THE SAN FRANCISCO BAY
GUARDIAN

Vol. 3, No. 1 | 204 San Francisco | An independent newspaper of events, analysis and opinion | August 30, 1968 | 25¢

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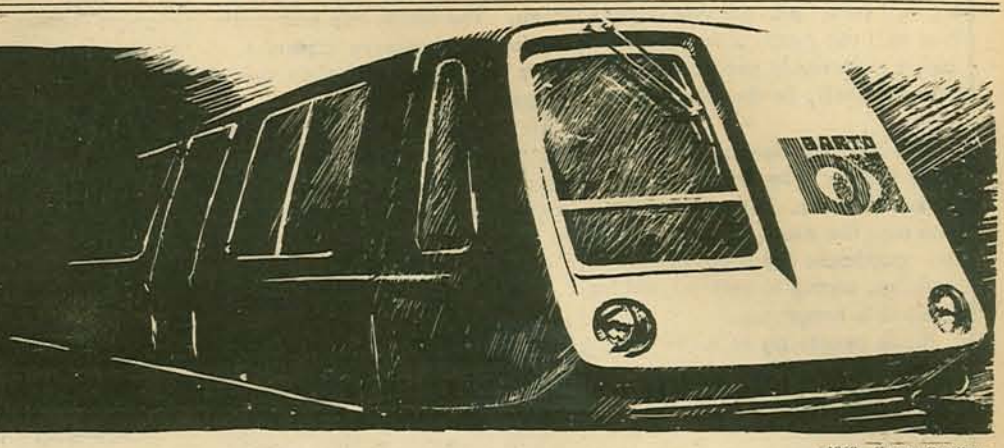
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It's a bad situation. We're going to look into it. So far as I'm concerned, all of these joint venture bids that BART is getting are illegal and unconstitutional.
—Mayor Alioto



1968—George Gardiner
Bay Guardian Company

Why BART is broke

The Guardian investigates

Six years of misleading claims, spiraling costs, waste, inefficiency and too—cozy business tieups

In 1962, BART's promoters asked Bay Area citizens for a $792 million bond issue to finance a rail system that would bring more and more commuters into a bigger and bigger central business district in San Francisco.

Today, BART's cost is routinely rattled off as $1 billion. Actually, the cost is more than $2 billion. And that's for only a three-county shell of the big nine-county system originally proposed and presented to taxpayers at the start of the bond campaign.

To expand BART to the nine-county system would cost something like $12 billion.

That's a very rough estimate, but I do not draw it out of a hat. It is based on the cost of what exists so far (more than $2 billion) and an estimate for a system, similar in scope to what is needed for the Bay Area's nine counties, that was drawn up by a Tri-State Commission on the transportation needs of New York City and its suburbs in New Jersey and Connecticut from now through 1980 (at a cost of $10 billion).

BART's cost never was $792 million, although that's what the

By Burton H. Wolfe

voters were told again and again by Citizens for Rapid Transit and the daily newspapers throughout 1962. To quote a typical leaflet passed out by Citizens for Rapid Transit during the commuter rush hour the evening before the election:

"Rapid transit costs $792 million, to be paid for out of property taxes."

The figure given was for the basic construction cost of the trunk lines in three counties only (including a 30 per cent inflation factor). This $792 million was NOT to be paid for out of property taxes, but out of general obligation bonds. Property taxes were to pay off only the interest on these bonds. The interest? An estimated $650 million--almost as much as the construction cost itself.

On top of that, an estimated $133 million was needed to build the trans-Bay tube, the cost to be covered by auto bridge toll bonds. The interest on this cost was estimated at $27 million.

Then there was another $72 million estimate for the rolling stock (train cars and equipment). The interest on that was estimated at $43 million.

So: the "cost of rapid transit" is not $792 million as represented by the Citizens for Rapid Transit, as reported again and again in the press and as stated on the ballot of Nov. 6, 1962, when the bond issue was up for a vote.

★ —continued on page 3

Huey's trial:
a black poet reports



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By William Anderson

If you're black, you know perfectly well what the past really contains, and it's not like the events you remember, like the Supreme Court decision of 1954 against school segregation.

That's a fact, but it's not anybody's history. The history of it is your personal memory of the civics teacher who slipped one day and called you a nigger.

But everybody moves on. Maybe you are in Selma for the nonviolent march to Montgomery. This is the struggle for civil rights for black people, you use it to deal with the memory of America in the '40s and '50s. If you wanted to travel, you went to the Urban League for a list of hotels across the country where blacks were accepted. The list was revised every year. It was not a long list.

(Editor's note: Bill Anderson, a black writer and poet, spent every day at the Huey Newton trial as The Guardian's correspondent. This is his personal account.)

In the state of Utah, there were three hotels or motels on the list. So you cannot go to Selma and get any satisfaction.

Nor can you afford to remember how many times you found yourself in a strange, white neighborhood and went into a bar for a drink and suddenly hear a glass smash on the floor behind you?

"Niggers," murmer the Pittsburgh Irishmen, "darkies, coons, get out of here before we skin your black ass."

You break your beer bottle on the table, you hold the jagged end before you like a dagger, you back toward the door and you GET OUT!

So you can feel in yourself that in these days of incredible change a black man has to have a new sensibility, and to develop it you have to back into the past. But if you want to confront the past, you had better be ready for personal trouble, because the past is full of the most shocking energy.

So you must not be surprised at the violence of the emotion that seizes you when you arrive at the Alameda County Courthouse for the trial of Huey P. Newton, accused of the murder of John Frey, the assault on Herbert Heanes, and the kidnapping of Dell Ross.

The courthouse is near Lake Merritt in Oakland. It is a white, ugly building. Behind every door, looking through the grey glass,

◆ —continued on page 2

Publisher's Notice

As The San Francisco Bay Guardian begins its third year of publication, subscribers and readers are asked to suggest how The Guardian can best expand its coverage.

See the special questionnaire on page 9.

See also page 7 for partial list of important Guardian investigatory stories in back publications and how they can be obtained.

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Newton: '. . . white bitches like you'

◆ —continued from page 1

stand one or two sheriff's deputies, fully armed, and with Mace. Some of them have walkie-talkies.

You are not ready to uncover the full past, because you suspect it is still too much to handle. You aren't even ready yet to think of Huey himself, or the Black Panthers.

You are still flaring up at the little things: The hostile stares of the deputies. The old darky who runs the elevator. All through the courthouse black people are working, trying to pretend nothing unusual is happening.

Black people try to make some identification with each other these days, because there is supposed to be a new spirit, a new brotherhood in the air. But here, we can't afford to talk about the trial because we would have to talk about the trial and our responses to it.

But none of us can avoid reacting. You hate the white reporters who work for the daily newspapers, because they aren't telling the truth about the trial. (If you read the dailies, you might suspect something is wrong, but you can't get any hint of the feeling of racism that hangs in the air.)

'THANK YOU..."

Before anybody but the principals can get into the courtroom, you must pass into the room where you're frisked.

The hands of the deputy crawl over you; you feel as if he's homosexual. Around the collar of your neck. Around your middle. Down your legs and up the inside of the thigh. The hands cup your balls, feeling for explosive material. He is humming, "It might as well be spring."

He finishes the search for hidden weapons by running his hand in one contemptuous swipe straight down your back. "Thank you," he says.

●●●●

Inside the courtroom, Assistant District Attorney Lowell Jensen is delivering his opening statement.

You see he is a tall, broad-shouldered man running to stomach in his softer years. He looks about 45. When he nods at the Oakland Tribune reporters, one eyelid flicks mechanically, his mouth looks raw, and his whole face fractures in tiny, controlled fissures, section by section.

Jensen is the best lawyer on the staff, you hear from many people who have seen his effectiveness from the bottom side up...you can't beat him if you let him stay in his rails.

When he talks to one of his own, his voice is smooth, leading and persuasive. The white jurors almost complete his sentences, and as you watch them swaying you think there's something almost sexual about it: perverse and symbiotic.

But in the presence of the Enemy, his voice changes. It has tone, volume, pitch, but no warmth. The back of his neck flushes when he's disturbed.

He tells us the People will show that about five o'clock in the morning of Oct. 28, 1967, Mr. Newton and a companion were stopped by Patrolman John Frey, Oakland Police Department, at the corner of 7th and Willow St. in Oakland.

They were driving a known Black Panther car, a VW with outstanding arrest warrants hanging over it. Frey wrote a citation based on the registration--issued to Laverne Williams. Another cop, Herbert Heanes, was cruising in the area and went to the corner to back up Frey.

Heanes came up to the VW and spoke to Huey, who admitted his identity. Newton was ordered from the car. He got out without any incident, and began walking with Officer Frey back to his police car.

Suddenly, Newton drew a gun and began firing. Somehow he wrested Frey's own gun from him and shot him five times, and he wounded Officer Heanes as well.

Newton received a shot in the abdomen from Heanes. He then forced a motorist, Dell Ross, to drive him close to Kaiser Hospital, where he was finally arrested as he tried to get medical treatment. He was an ex-con, with a felony conviction already on him. Marijuana was found in the car. He had a gun concealed on him in violation of his probation.

●●●●

Corrinne Leonard: nurse in charge of the emergency room, Kaiser Hospital. She is blonde, with carefully arranged hair, it looks like a platinum-gold wig. She looks about 40. She has a plaid suit with an attached scarf.

She sits in the witness chair and carefully arranges herself. She gives us the scene as Huey appears at Kaiser, shot in the belly, with perforations in the bowel:

A car drives up. She hears "moaning and groaning," she hears a voice saying, "I want to see a doctor. RIGHT NOW!" Shot in the stomach.

"I asked him if he belonged to Kaiser...I asked him if he had his Kaiser card." Huey rages at her. He doesn't care about all that, he wants to see a doctor.

Her voice sinks as she tells us what happened....

"...can't you see all this blood ...get a doctor out here now!"

She laughs in the witness chair, helplessly, as if everybody must see how impossible it was to control that Negro fellow.."he would not come in."

He acted as if he'd been drinking, she says defensively, and she told him she would call the police. "I wasn't frightened of him."

But she went to the phone and called the police, telling them that there was a fellow there who had been shot in the stomach.

She complains to the courtroom, "I thought he was going to shoot me." After she hung up, she took Huey into the emergency room.

We are still not yet down to the truth of this particular part of the past. Garry, counsel for the defense, cross-examines her.

"He quietly went into the emergency room?"

"He certainly did," she says brightly. She nods her head. She is anxious to cooperate. She has nothing to hide.

"You called the police before you called the doctor?"

Yes, she did.

How long before?

Only a couple of minutes before.

How far away was the doctor?

In the building, about 45 feet away.

But the police arrived before the doctor. Garry accuses her of letting 25 minutes go by before she gave the wounded man any medical treatment at all. Why?

"Because of the way he went about it," she answers. She insists she called the doctor right away. Garry makes her go over the sequence of events all over again.

"How long was it from the time of his first appearance to the time

Is he on trial for murder or for his politics?

he was put on the gurney (stretcher)?" Nurse Leonard's answer is almost inaudible. "Answer audibly," Garry says, harshly.

"he was being obnoxious. He called her names.

(Newton told her that it was "white bitches like you that let men die!")

Didn't she deserve those names? demanded Garry.

No sir, she did not. Her head is cocked to the side. She wags her finger reprovingly at Garry. She has done nothing wrong. Not only her words, but also her gestures, her tone tells us so. He wouldn't come in... anybody who was really bleeding to death would have come in.

"What did he have to do to get medical attention," Garry shouts.

All he had to do was cooperate. She has treated persons with gunshot wounds often. They're weak and unable to talk. "You are not in acute distress," she told Newton. It was a very small wound.

"How big," asked Garry.

She holds up her finger, and wiggles it. "It was the size of the bottom of my little finger. It was not impressive at all."

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During the selection of the jury, Garry is examining Viola Wessel, a little old lady who lives in Oakland.

Have you heard of the case?

"Can't hardly help it."

How do you feel about a citizen's right to self-defense?

"Well, I don't go for carrying a gun."

Are you opposed to the death penalty?

"Sometimes I think they...a person ought to be put to death, sometimes I think that's too easy."

When Huey Newton takes the stand, the court rustles, even the bailiff and the D.A.'s staff. All through the trial the jury has been looking more and more undistinguished.

As they file into the courtroom after breaks, you look at them and wonder if they could really be the flower of American civilization. More like weeds. There doesn't seem to be any expression in their faces. You can't even imagine their having thoughts, emotions or feelings beneath the clay, and the thought that Huey's fate might depend on them makes you quake with terror.

Instinctively you glance around you. The Panthers are sitting in the other section of the courtroom.

You remember this scene and you feel for a moment that this is a legitimate battle, that the Panthers are only emissaries of a fully equivalent power, and that behind them stand black regiments, black cities, black presences, prepared to start battle if their people are not given justice.

"He is a black man and you harm him at your peril." But you know only too well that there are not many more panthers than that; and they have no more money; and almost all their leaders are under the gun of prison, even now.

This is a political trial and you realize that exposed here is the will and the might of the white community. It might be good somewhere, someplace, but it is certainly vicious here.

Huey walks briskly to the stand and sits down. The jury members lean forward. They look at him as though he were already dead, in the sense that one is dead when you get ultimate power over him.

Through most of the trial, Huey has been making a good impression on the watchers just by sitting. He has looked at all times proud, dignified and impressive.

Garry walks over. "Mr. Newton, did you kill Officer John Frey?"

"No, I did not."

"Did you shoot, wound Officer Heanes?"

"No, I did not," Newton says.

"Do you know about any marijuana...?" demands the attorney.

"No," says Newton.

"And have never used narcotics?"

No, says Huey, and Garry asks him about his background.

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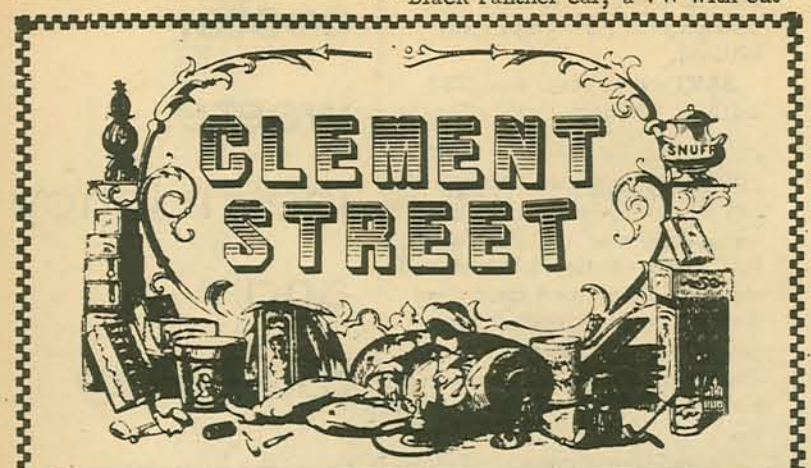
Huey then begins to explain something of the background of the black liberation movement. Jensen objects after a while and the judge sustains. He is not supposed to be so political.

Garry asks Huey about his con-

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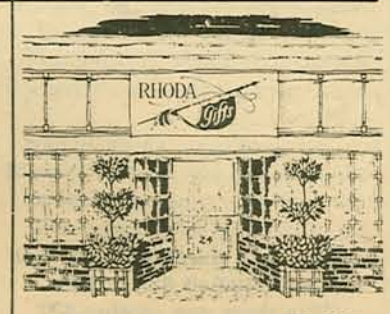


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IT'S INCREDIBLE NOW, WHAT THEY SAID

JOSEPH S. SILVA (Contra Costa County supervisor, BART director). On Feb. 4, 1963, Silva testified in a pre-trial deposition for a little publicized, conveniently forgotten taxpayer's suit. It charged prophetically that there were no checks on where and how much money BART was going to spend.

He said that Mayor Christopher of San Francisco, Mayor Houlihan of Oakland and BART president Adrien Falk met him in a Martinez coffee shop and asked him to vote yes to place the BART bond issue on the Contra Costa County ballot. His yes vote broke a 2-2 tie. Three years later, he was made a BART director.

Asked by the taxpayers' attorney, David Birenbaum, whether he had looked over the Parsons Brinckerhoff-Tudor-Bechtel report on the proposed BART system, he said yes. Then:

Birenbaum: "Did you understand this."

Silva: "Not too good."

ADRIEN FALK (President of BART) Falk testified in his deposition on the Nov. 29, 1962 directors' meeting to vote on the contract for BART's engineering management with Parsons Brinckerhoff-Tudor-Bechtel:

"Some statements had been made by opponents to the plan that this proposed contract which would pay $47 million plus to the engineers involved a huge profit . . . of as much as $15 million . . . my statement was this, that we were not directly interested in the profits to be made by the engineers employed by the District (BART).

"All we felt that they should get was a fair and equitable contract. We weren't going to probe their books . . . If they made what some people considered an inordinate profit, we weren't going to ask them to return it."

WALLACE L. KAAPCKE (Pillsbury, Madison & Sutro attorney serving as BART counsel.) At the Nov. 29, 1962 BART meeting, advising BART's board members to vote approval of the contract with PBTB, Kaapcke stated:

"I want to emphasize here, and Chief Engineer Hoover will elaborate upon it, if you like, that the method of compensation provided for in this agreement is an accepted method for a contract of this nature, and it does not in any way allow an unjustified profit or windfall to the engineers."

WILLIAM R. STOKES (BART's general manager, former Oakland Tribune reporter, former BART public relations director in charge of getting the BART bond issue passed.) In a Dec. 18, 1962 letter to Morris Nash, vice-president of Kaiser Industries, following passage of the BART bond issue:

"I am not passing out the usual thank you when I say that without your efforts the bond proposal would not have passed."

The giants who pushed BART now profit from it

★ —continued from page 1

The total known cost of BART in 1962 was at least $1.7 billion more than twice what voters were told it would be.

(I put this $1.7 billion total together myself, after a three-month investigation of BART's records, and I asked B.R. Stokes, BART's general manager, if he and his staff knew the total would be $1.7 billion, not the advertised $792 million. He freely admitted that the $1.7 billion total was correct.)

And today, almost six years later? The $792 million basic construction cost has risen by $200 million. The trans-Bay tube has a $50 million deficit. The fee of the private engineering firm managing BART has more than doubled from $47 million to some $100 million on an open-ended contract. Interest costs have increased more than $100 million to finance the deficits.

(The total known BART cost is thus about $2 billion, a total which Stokes also freely confirmed to me.)

The city of Berkeley had to pass another bond issue for a subway to keep BART's engineers from ramming a complete aerial structure through a residential neighborhood. And BART's tin cup is before the legislature for another $144 million and before the property owners of three counties for big raises in property taxes.

This financial whirlamagig was predicted as early as 1963 by a group of Bay Area citizens who brought a little publicized taxpayers' suit against BART. Part of their grounds: there was no check on how much money was going to be spent.

'Open end' deal

They charged that BART's contract with the engineers chosen to manage the project was an "open-end" deal: there was no ceiling on the engineers' pay. Nor were there adequate controls over jobs to be sublet by the engineers to local businessmen.

The suit's major financier was Robert L. Osborne, an Oakland City councilman and president of the Malabarr Manufacturing Co., San Leandro. Dewayne E. Boblitt, then mayor of El Cerrito, also was a major plaintiff. A young San Francisco attorney, David Birenbaum, handled the suit. The suit was dismissed on technical grounds.

Local industrialists threatened to drive Osborne out of business. Boblitt and the other plaintiffs were called "obstructionists" by the daily newspapers. Birenbaum was hailed by business and lawyer friends as he walked down Montgomery Street:

"Hey, Dave, we thought you were a liberal. What are you trying to do to rapid transit?"

More than a civic crusade

Birenbaum was trying to show there was more to BART than a civic crusade. He took a deposition from a former Bank of America board chairman, Carl F. Wente, who was serving as finance committee chairman of Citizens for Rapid Transit. In his deposition, Wente admitted that the largest donors to Citizens for Rapid Transit's campaign for BART included:

Bank of America, Wells Fargo Bank and Crocker Citizens Bank;

Parsons, Brinckerhoff, Quade & Douglas (the New York firm that designed BART along lines used in its design of New York City's subway system 50 years earlier);

Tudor Engineering Co., the Bechtel Corp., Westinghouse Electric Co., Bethlehem Steel Corp., Westinghouse Air Brake Div., Kaiser Corp., the Perini Corp., and the Downtown Property Owners and Building Association.

And what happened?

Parsons-Brinckerhoff Tudor and Bechtel formed a joint venture in 1959 and were selected by BART's directors in a closed deal--there was no open competitive bidding--as the firm that would manage the engineering for BART and sublet contracts for construction jobs.

Westinghouse Air Brake now exhibits its equipment on BART's track.

Westinghouse Electric has the $26 million contract to install BART's automatic controls.

Bethlehem Steel has the $23 million contract to build the steel structures for the trans-Bay tube, key to the BART system.

Kaiser has a $16 million contract for metallic segmented rings used as tunnel liners. And, with two smaller corporations, Kaiser has a $31 million contract to dig out the Berkeley Hills Tunnel on BART's Central Contra Costa County line. Kaiser Cement & Gypsum has the bulk of the 35-million barrel cement business for BART construction (concrete aerial structures and the like).

The Perini Corp., after forming a joint venture with its "competitor," Morrison-Knudsen, has two contracts for subway structures: one for $19.4 million, another for $17.7 million.

Finally, the banks and downtown property owners involved are putting up their high-rise buildings on or near BART's path. (See June 18 Guardian, 'Manhattan Madness.')

Undoubtedly, these are all just cozy coincidences.

In retrospect, it is revealing to quote from Wente's deposition as he explained how he solicited funds from these giants now benefiting from BART--especially since the local daily newspapers never reported what he said.

Whose pocket is whose

"I told different fellows," Wente said, "that far be it from me to have my hand in your pocket and take what I want, but I think that for an outfit like yours maybe a thousand dollars, or fifteen hundred dollars or five thousand dollars might be the amount."

"...I solicited Kaiser (Edgar Kaiser, president of Kaiser Industries, sat on the Bank of America's board of directors with Wente) and I told him at the time: 'You are interested in this for several reasons. First place, you are interested from a civic standpoint; it is a good thing for the city. You have your office here. You are in the cement business, you are in the aluminum business, you are in the engineering business, you are in all kinds of--your outfit ought to be interested in this from every conceivable angle.'

"He asked me what I thought, and I told him the same as I told the other fellows: 'Now, as a group, you ought to give 25,000 bucks.' He says: 'Criminy sakes, that's too much money.'

★ —continued on page 6



Black Bart rides again!

Final cost could be $12 billion

BART originally was presented to voters as a "total transportation system" looping the San Francisco Bay Area's nine counties. The final plan to run trunk lines into all nine counties is not yet fully developed, but only three counties are now involved.

In 1962 voters were told that BART would cost only $792 million, but BART's general manager, B.R. Stokes, admitted to the Guardian that he and his staff knew then that the total known cost was $1.7 billion.

The total cost now is estimated at more than $2 billion by BART's private and unpublicized estimate--with less trackage and fewer station stops in three counties than BART originally included in the $1.7 billion budget.

There are too many unknown factors to guess the final cost of a nine-county "total transportation system." It also depends on how many trunk lines and how many trains are to be included in the system. It also depends on how BART connects San Francisco with Marin County.

Tracks on Bridge

Originally, the Parsons-Brinckerhoff plan was to run tracks on the Golden Gate Bridge's lower level. Parsons Brinckerhoff said the bridge would stand the strain. Local and state officials hired other engineers who said the bridge would not stand the strain.

BART must build another bridge or an underwater tube. Either will be much more expensive than the costly underwater tube from Oakland to San Francisco because of strong tidal problems in the Golden Gate.

No matter what mathematic equation or formula is used to estimate a future cost, with the present cost as a base, it is thrown off by the unknowns. The most accurate estimate might result from a comparison with the tri-state area around New York City, the kind of system planned there and that system's cost.

A nine-county BART system must be at least as comprehensive as that plan presented by the Tri-State Commission for Manhattan and suburbs in New Jersey and Connecticut.

◆ —continued on page 15

So, where do you go when you flee the country?

I've got a lot of letters provoked by my piece on leaving the country. They all say, "We agree, but where?" That of course was the intention of the article itself.

However, it must be borne in mind that the U.S. is the most reactionary country on earth except for those places which are satrapies of the U.S. under the direct rule of C.I.A. pistols.

The irresponsibility of American intellectuals is shown by the fact that these are the places they just love. American intellectuals emigrate to Spain and Greece while Greek and Spanish politicians and intellectuals driven out by the American heat go into exile in America.

This is due to deliberate policy on our end. Whether they like it or not foreigners who come to the U.S. for political reasons constitute a reserve echelon for our system. As long as they don't make any waves, Spanish Loyalists, Massadegh Persians and now even Czech and Rumanian Stalinists are given sanctuary in the U.S.

A Single Shot

The situation in Greece at the moment is very touchy, due entirely to what might be called a successful Bay of Pigs operation, an incredible blunder staffed by popinjays and nonentities which succeeded by accident. The accident was either the inexperience or the pusillanimity of the king who could have stopped it with a single pistol shot.

In this highly unstable situation, the American government is timid about accepting refugees of any political complexion. Don't forget, Athens is the command center for the James Bond W.P.A. project of the whole eastern Mediterranean and Near East, a house of cards that may tumble at one more false move.

Spain is on the brink of revolution. However, the C.I.A. has operatives in the leading cadres of every organization, from Opus Dei, which is reputed to be a C.I.A. creation, to the Communist Party and the Iberian Anarchist Federation. The American attitude toward Spain is "Heads, I win; tails, you lose."

As a matter of fact, where this rule has been perfected down the years, is absolutely unchallenged, and is backed up by the massive presence of the U.S. Army, life can be pretty good and certainly very peaceful. Life in West Berlin is exactly like the life of a civilian employe living on the grounds in the San Francisco Presidio.

Left of Nixon

But to pass independent countries--Kiesinger and Sato are far to the left of Nixon. The so called Neo Nazis, the National Democrats, are by no means as rabid as Max Rafferty. In America, they

KENNETH REXROTH

would be considered mainstream Republicans in Los Angeles. Nenni and Willy Brandt are further to the Left than any American Socialist presidential candidate since Debs--not that that necessarily means much.

If California becomes the kind of state it will become with Dirty Dick in the White House, Rin Tin Tin in Sacramento, the white Bojangles and the red-faced Goebbels in the Senate, practically every politician in the Scandinavian countries, New Zealand and maybe even half those in England, the Netherlands, Italy and France would, if they came to California, be locked up for criminal syndicalism.

You think I'm kidding? Americans have absolutely no conception of how reactionary their country has become. Do you realize that there is no poverty of the kind that can be found in any American city in any part of the entire continent of Europe north of the Pyrenees and the Tiber River?

In every so called civilized country, that is, the old imperialist nations north of the Tropic of Cancer, if your are sick, you get a doctor. When you are old, you get a pension large enough to live on, not the insulting pittance for which you have already paid high insurance rates in America. If you want to go for a walk in the park on a summer night with your girl, you're safe.

Big Lack

The only big lack is availability of higher education, but this is due simply to the fact that labor power has become redundant in America. Economically, there is no difference between the enormous masses of young people flooding the universities and people in housing projects entering their third generation on relief or aid to dependent children.

They are simply being held off the labor market and therefore kept in a position of social and political impotence.

If you don't want to go to a lot of trouble or haven't got much money and want to work, go to Canada. Montreal is sort of la vie mediterranee amidst the snows and the murmuring pines and the hemlocks, and Vancouver everybody says is the next San Francisco. Sure pretty. Compares favorable in setting with San Francisco or Hong Kong.

If you want real nice countries go to Finland, Sweden, or New Zealand, but not to the latter if you want to live in a world where everybody makes like Van Gogh, Rimbaud and Artaud every hour on the hour.

Future Battlefields

Culturally, New Zealand and Australia are great places for people who like A.E. Housman's "A Shropshire Lad." Sooner or later, of course, all of Oceania will be one of the major battlegrounds of the Third World War. The annual population increase in either India or China is more than equal to the total population of Australia.

Really if you don't want to learn Swedish, Finnish or Serbian, or if they are not stamped on, Czech, the best thing to do is to stay home.

What can you do in this country? At least you can go down

■ —continued on page 11

The REAL drug issue: YOU

(Dr. Fort is a public health specialist and sociologist-criminologist; creator and former Director of the Center for Special Problems in San Francisco; author, lecturer and social critic.)

The drug issue, like foreign policy and the urban crises, has been so obscured by polarization, extremism and sensationalism that few people know what the problems are or question definitions by the current crop of moral entrepreneurs. The police, health bureaucrats and mass media editors insist that "drugs" mean marijuana, LSD and heroin. They think the only possible way to deal with people who use these evil substances is to spy on them, harass them, expel them, arrest them and imprison them and thus make criminals by the tens of thousands.



Actually, all drugs, including aspirin, antibiotics and the specifically mind-altering drugs---nicotine, alcohol, caffeine, amphetamines, barbiturates, the above mentioned--can be dangerous depending on how they are used. It is possible to become psychologically dependent or habituated to booze or bennies, pot or pills, tobacco or coffee. But only sometimes do drug users become dependent on drugs and only sometimes does it impair the individual's functioning.

Only certain mind-altering drugs--alcohol, barbiturates, some other sedatives and narcotics, meaning opiates and their synthetic equivalents--produce physical dependence or addiction. Only a minority of those using these particular substances are addicted.

The term "drug abuse" is commonly used to designate anyone using an illegal drug (always excluding the millions of users under 21 who illegally use alcohol and tobacco) or someone you don't like. It is defined scientifically as the excessive use of a drug to the point where it measurably impairs health or social vocational adjustment.

The major abuse in the drug controversy is the abuse of law and police powers--the wanton criminalizing of American youth, the deployment of limited police resources against youth and drug users at a time when real crime (murder, rape, theft, burglary) has increased by more than 30 per cent per year in San Francisco and other big cities.

Police Corruption

The gangbuster tactics of San Francisco's tactical squad are

□ —continued on page 11



"I spoke with Karl Kortum and asked him who he thought Scott Newhall was."

"'In one word,' he said, 'the conscience of San Francisco.'"

--John Luce, "My Search for Scott Newhall," in his two part series on the Chronicle's executive editor in the August issue of San Francisco Magazine.



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By Mick Stevens

It was Anguilla, Guardian readers will recall, that so captivated Newhall that he started printing Anguillan coins on the second floor of the Chronicle to help shore up the sagging exchequer of the revolutionary republic. The do-it-yourself mint was halted shortly after a Guardian story appeared on it on Aug. 10, 1967.

And Yanuca? Well, a house ad appeared one day in the Chronicle announcing a contest to find who could best say what he would do if he became Sultan of Yanuca. Herb Caen, Art Hoppe, Count Marco, Charles McCabe and Stanton Delaplane were rounded up to choose the Sultan. Geoffrey Wong of Sacramento won. He and Reporter George Draper set out for Yanuca. A three part series rocketed back: Wong trussed up on a stake, Wong issuing decrees, Wong stealing headlines as the Chronicle's Sultan of Yanuca. It was straight Newhall-on-the-rocks.

In each story was a mention that Draper and Wong flew Canadian Air Pacific. Canadian Air Pacific?

Yes, the local CAP public relations representative told an inquirer. That was part of the deal. We wanted to let people know we flew planes other than to Canada and the U.S. So we cooked up the story for the Chronicle. And we flew them out and took care of their expenses.

Why would anybody do a nutty story like that for Canadian Air Pacific?

"Oh, you know the Chronicle," he said.

Incidental intelligence, as gathered by Frances Moffat in a May 1 society interview with Mayor Alioto's wife in the May 1 edition of the Chronicle:

"During World War II, she (Mrs. Alioto) said, her husband was in the Department of Justice with duties that included the relocation of Japanese, Italians and other aliens."

Despite the two adulatory stories on Newhall, SF magazine's publisher, John Vietor, still has his troubles as a "competitor" to the Chronicle/Examiner monopoly.

The rule still stands that Vietor and his magazine connection cannot be mentioned in the Chronicle. Only when San Francisco magazine was being sued over publication of a nude picture was his name and title used concurrently.

So: Herb Caen and the Chronicle's society pages played by the rules in covering Vietor's big party at his La Jolla house. Caen, who was invited, wrote only about a "distinguished publisher" without using Vietor's name. Society Editor Frances Moffat, who wasn't invited, made special arrangements with a San Diego photographer to get his negatives for a Chronicle picture spread. Vietor's name was mentioned, but not his SF position.

(Incidental note: the Chronicle lost the negatives so that neither of Vietor's two magazines, SF and San Diego, could use them.)

reporting Huey Newton's trial

◆ —continued from page 2

nection with the Black Panther Party, and Huey responds to this series of questions effectively; he manages to get his views across. The Declaration of Independence itself supports the political aspirations of the Panthers. He reads from it: whenever a people are wronged and the government will not respond to demands for corrections of the wrongs, the people have the duty to change the government. The black people are certainly a people, at least they will admit that, we have got them that far, and we certainly have been wronged.

Look at the Kerner Report. Look at the experiences of Huey, himself. Quit school at 17, he had a diploma, but he couldn't read or write. His teachers were against him thinking of himself as college material, it would only build him up for a letdown, for he clearly was not. His IQ scores showed him to be below average--dumb.

All these things showed that his people have been wronged. As a result, he sat there with his dignity and his honor intact.

Nevertheless, he is nervous. He complains of the cold and the judge motions the bailiff over to the thermostat. There is a recess soon afterward and Huey stands up, flapping his arms at his sides, as if he were warming up for some athletic contest. Garry teases him.

By the end of the direct examination, you feel that Huey has done well. He has answered with the impression of someone who could hardly wait to get up there and let them know how it really is.

He was at San Francisco State the afternoon of the 27th, giving a lecture in the Gallery Lounge. Later in the afternoon, in Oakland, he walked over to see his girl, Laverne Williams. They had a date that night, but Laverne was sick and they couldn't have the date. Laverne insisted that Huey go have a nice evening anyway, so after awhile, Huey split and went to a bar.

Here he met Don Hopkins--it was a bar that catered to the leaders of the young blacks in Oakland--and Hopkins remarked that he, Huey, was looking happy.

"This probation has been hanging over me for three years, and now it's over," says Huey.

(The People say that the motive for the shooting was that Huey was afraid he would be busted with a concealed weapon on him, and with grass in the car. He thought they would put him away forever, says Jensen, and he lost his head.)

He left the bar after about 45 minutes and went to a church social. He had one drink at the bar--Rum and Coke. Of course, he had nothing alcoholic in the church. He explains that carefully to the jury.

Two parties later, at about 4:15 in the morning, he and Gene McKinney, a friend, decided they wanted to get something to eat. They knew that several "soul" restaurants were open all night on Seventh.

They got in the car and Huey drove off. They came down Willow and were in the middle of making a left turn when Huey saw the familiar red light flashing behind him. The police.

It was an old story for him, he had been through this about 50 or 60 times before. (The jury has suddenly changed. They are very still. They are no longer a bunch of dumb salesclerks. They suddenly have become much smarter-looking. Now we are in the hurricane.)

He pulled over and waited. A white police officer came up to the car. The cop, John Frey, looked at him and said, "Well, well, well, who do we have here, the great, great Huey Newton?"

Huey said nothing. Frey asked for the registration on the car. Huey gave it to him. Frey began to write a citation for outstanding traffice warrants on the car. By this time a second police car had pulled up. Officer Herbert Heanes got out and conferred with Frey.

Then Heanes came up to Huey and said, "Do you have any other identification, Mr. Williams?"

"What do you mean, Mr. Williams, I'm Huey P. Newton. I already gave you my license!"

Heanes looked at him, "I know who you are!" he said, shaking his head ominously.

As Newton says this, a chill passes over the room, you are feeling the invisible response of people who are hearing the exact truth. You can feel the scene. It is dark. The Post Office construction to the south. The red lights blinking.

Frey orders him from the car for a frisk. Huey clearly cannot describe the frisk without being obscene, and he clearly doesn't want to be obscene, and he stumbles, but he gets the point across to the jury. Frey frisked him the way you would expect a cop with his reputation in West Oakland would. Hard and dirty.

They walk back to the police car and come almost to a stop.

Huey turns and opens the book on criminal law he has in his left hand. He asks Frey why he is being treated this way. Frey straight-arms him in the face, and Huey staggers back, falling to one knee. He looks up disbelievingly and sees Frey pull his service revolver. Suddenly it feels as if someone poured boiling hot soup on his belly. At the same time he hears a thunder of firing and he realizes he has been shot.

●●●●

On cross-examination, Jensen begins slowly. He is trying to prove Huey guilty of the crimes; he is trying to get the jury to associate Huey and the Black Panthers with violence.

As he talks you realize that he really means change. With his dry, technical approach District Attorney voices the fears of his whole society.

Part of the fear is incredulity at the impertinence of black men these days. Part of the fear is their inability to understand... (You mean social conditions may be a factor in a murder case? the judge at one point asks Garry.)

Most of the spectators in the room, and most of the younger reporters are contemptuous of the whole affair. The judge repeatedly has rebuked the audience for its sardonic laughter.

A friend of the judge has said of him, "He's a fair, just man. He's Jewish, himself, and he understands the problems of minorities." And you know the judge thinks of himself that way. He is certainly determined to give the man a fair trial.

It would be good if he could keep it from turning into a spectacle. He does not realize that, to many spectators, he is the devil himself. It is not just that he himself believes Newton to be guilty. We see also that the judiciary, at least here in Alameda County in the person of Judge Friedman, are on the same side as the law enforcement branch. They are all "The Man."

●●●●

(Now we are nearing the end of our long search for the American past. And it very much matters that we determine to uncover all of its violence. The most important thing about the Huey Newton trial is not what happened on Oct. 28, 1967, at 7th and Willow. It is what happens day by day in the trial itself. Any point in your life might be the moment when you would begin to live the way you sometimes know you could.

(But you know also that it is particularly important to be here... now. And all during the trial many of us have felt unaccountably upset. The headaches after a day at the trial ache as never before. We snap at our friends. We grow openly hostile to the reporters because they won't insist their papers carry true and complete accounts of the trial. If they could write them. But the explanation doesn't lie with any of these things.)

●●●●

Jensen is coming to the end of his cross examination. He has asked Newton a number of questions designed to do two things: First he wants to show that Huey has a long history of violence behind him and, second, he wants to exploit Huey's obvious reluctance to tell who helped him.

For example, he asks Huey about previous encounters with the law.

Huey realizes that his brushes with the law have been a result either of his revolutionary activity --organizing black people--or a result of the social conditions that have made that revolutionary activity necessary. Huey knows, and we know, that to the jury, he would appear to be a man who

◆ —continued on page 10

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Probe BART before voting

★ —*continued from page 3*

"I said: 'Relatively, that is small considering the size of the billion dollars' worth of work--let's be frank--you fellows are going... (he cut off there, realizing what he was about to admit for the record)... There is potential there'."

The potential now has been fully realized for BART's early promoters.

And he talked to

"I also talked to one of Perini's group," Wente continued. "For instance, I talked to (Louis) Perini, and he talked to some of his competitors....

"Of course the property owners, the two property owners, Downtown Property Owners and Building Association, all of these fellows solicited their members Altogether we collected $203,218.

"I also might say a lot more than that was contributed in the way of services that does not show up in that...there was advertising, there was telephone, radio and television time contributed, advertising in periodicals that were contributed....

"KPIX (television station owned by Westinghouse Electric)... gave us television time... Their top man from New York was out here, and he was in my office. I personally talked to him...they agreed to do it." (See box elsewhere for more direct quotes.)

Conflict of interest

Recently, I suggested to Mayor Alioto in a private talk that there seemed to be a conflict of interest here: The same firms that promoted BART happened to land big contracts. I also told him that instead of competing against one another for BART contracts, the Bay Area's biggest contractors formed joint ventures to land the jobs.

(As an example of how these firms compete, Kaiser and Morrison-Knudsen together own the National Steel and Shipbuilding Company. Morrison-Knudsen owns stock in Kaiser Cement and Gypsum Corporation. J. B. Bonny, president of Morrison-Knudsen, sits on Kaiser's board of directors (until recently it was Harry Morrison himself). Louis Perini has served on the Bank of America's board of directors with Edgar Kaiser.

Managing engineers' fees rise $53 million

These three firms, BART's largest contractors, have formed numerous joint ventures with each other. In May, 1963, for example, they joined together and submitted the sole bid to the Placer County Water Agency for a dam project that netted them a $91.7 million contract.

After studying the dam situation for three years, the Water Agency hired Alioto's law firm to file a treble damage anti-trust suit charging that the Kaiser/Perini/Morrison-Knudsen joint venture was formed to eliminate bidding. It further charged that Kaiser had rigged the bids and fixed prices of materials. (The suit has not yet been settled.)

Illegal, says Alioto

When I asked Alioto about BART's contracts, he told me:

"It's a bad situation. We're going to look into it. So far as I'm concerned, all of these joint venture bids that BART is getting are illegal and unconstitutional."

Another field ripe for investigation would be the role of Parsons Brinckerhoff-Tudor-Bechtel in the management and finance of BART's engineering.

Atty. Birenbaum charged, in his 1963 suit, that there was no legal way to keep the reins on PBTB's operation--PBTB could spend the entire $47 million fee to manage the engineering in five years.

Less than five years

On the witness stand, John R. Kiely, Bechtel vice president, the big B part of PBTB, assured Birenbaum that "it wouldn't have been spent in five years." It was not. It was spent in less than five years.

PBTB now has spent more than $70 million and has set its new total fee at $100 million for managing BART's engineering.

How could this happen?

During BART's first three years, the BART board of directors did not check on how PBTB was spending money. Contracts let by PBTB were examined and approved by only one man on BART's staff: the "chief engineer."

Non-engineer engineer

The first "chief engineer" was one Keneth M. Hoover, a paid consultant for the PB (Parsons-Brinckerhoff) part of PBTB. He was never even licensed to practice engineering.

Hoover's role

It is important to understand Hoover's role during BART's early and expensive years. While he was employed at Parsons Brinckerhoff, Hoover was called on by BART directors to recommend the transportation plan the Bay Area should have.

Then Hoover was hired away from PB by BART. As BART's chief engineer, he was asked to recommend the firm BART should hire to manage its enormously lucrative engineering program.

By this time, Parsons Brinckerhoff had joined Tudor and Bechtel in their joint venture. Hoover recommended that BART hire PBTB to manage its engineering. On his recommendation, and solely on his recommendation, BART's engineering committee hired PBTB without considering any other alternatives.

During Bart's first two years, its board of directors depended completely on Hoover to determine whether PBTB, his former employer, was subletting contracts to the best firms at the lowest cost.

Nobody on BART's three-man engineering committee, nor on its board of directors, had sufficient engineering experience to check the work of Hoover or of PBTB, as Birenbaum's ques-

★ —*continued on page 12*

The high cost of ignorance

One of BART's runaway costs has been the open-end fee of Parsons Brinckerhoff-Tudor-Bechtel, the joint venture combine that serves as BART's engineering management firm. Its fee has rocketed from $47 to $100 million and is still going up. How does this happen?

Clue No. 1: The complex contract was put together and recommended, without competitive bidding, by men who knew what they were doing. For example: BART depended on the advice of its chief engineer, who had worked for Parsons Brinckerhoff, the PB part of PBTB. His recommendation: go with PBTB and his former employers.

Clue No. 2: This kind of contract is the cost plus percentage contract--that is, with fees based on the principle that, the more the contracting firm spends, the more it gets in fees. Many contract attorneys consider this sort of contract the most expensive and the most open to abuse of all standard contracts with public agencies. This multiplyer enabled PBTB to more than double its fees to $100 million on an open-end contract.

Clue No. 3: The complex contract was approved by BART directors who didn't know what they were doing. Here are pertinent admissions of inexperience and ignorance from three key BART directors--Sherwood Swan (owner of Swan's Department Store in Oakland), Allen E. Charles (San Francisco attorney) and Harold L. Cummings (retired electrical contractor)--who made up the engineering committee that recommended approval of PBTB's contract to the full board. The admissions were elicited by Atty. David Birenbaum in depositions taken in a taxpayers' suit challenging BART finances.

SWAN for example, didn't even remember serving on the engineering committee only months before when his deposition was taken on Feb. 8, 1963.

The testimony:

Birenbaum: Have you ever served on the (BART) engineering committee?

Swan: I have no recollection in terms of background. I don't recall.

CHARLES responding to Birenbaum's question about his experience with this kind of contract, replied:

"I don't believe I have ever negotiated any engineering contracts of any kind." (Deposition, Feb. 5, 1963.)

CUMMINGS was questioned by Birenbaum on critical cost-plus multiplyers in the PBTB contract. The testimony:

Birenbaum: Mechanically at least, are you familiar with how this figure of 1.25 was to be used, mechanically?

Cummings: No, not as far as the accounting part of it. No, I wasn't...

Birenbaum: Are you familiar with the fact that the 1.25 figure is a multiplying factor? Are you familiar with that?

Cummings: I have never thought of it as that. What do you mean?...I had no real basis to go on...At 75, you forget a lot of things. (Deposition, Feb. 8, 1963.)

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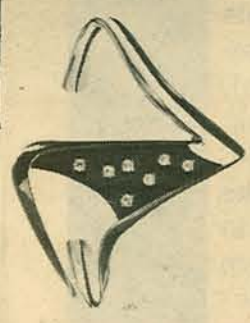
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THE inside story of the sneaky, off-to-Carson-City merger of the Examiner/Chronicle (Feb. 7, 1968).

Burton Wolfe's expose of BART financing in this Guardian is no accident.

It is the sort of story The Guardian has been publishing each issue under the slogan carried in The Guardian masthead since our founding two years ago: "A newspaper's duty is to print the news and raise hell."

We've found significant dissent among returning servicemen from Vietnam (April 5, 1968); published the only story disclosing the details of the secret, high-powered deal that made Joe Alioto the mayor of San Francisco (Oct. 31, 1967); detailed the plans to make San Francisco into another Manhattan Island (June 18, 1968); found the Chronicle's executive editor printing coins in the Chronicle basement for a do-it-yourself revolution in the Caribbean (Aug. 10, 1967). We regularly printed stories nobody else dares to print.

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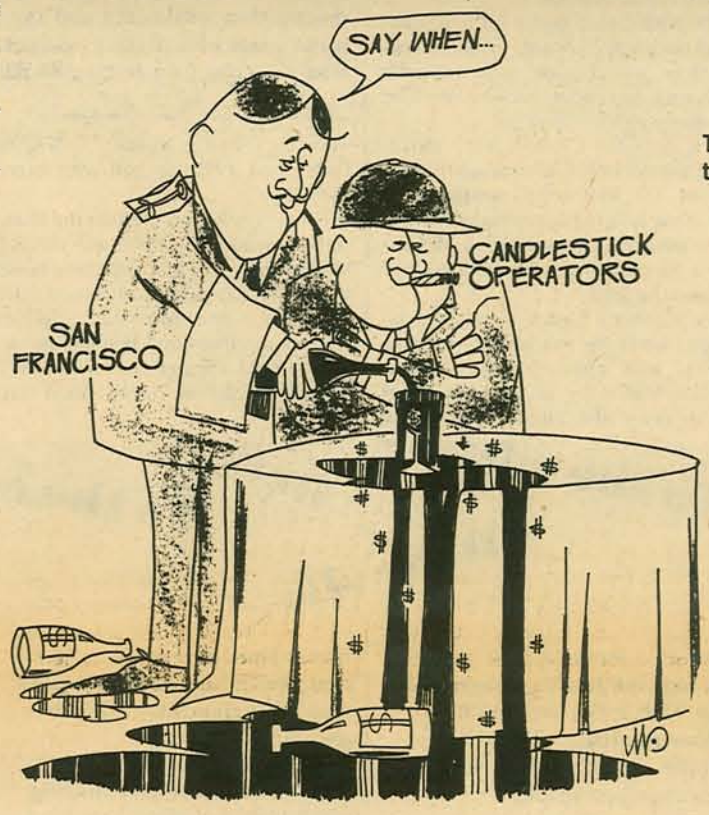
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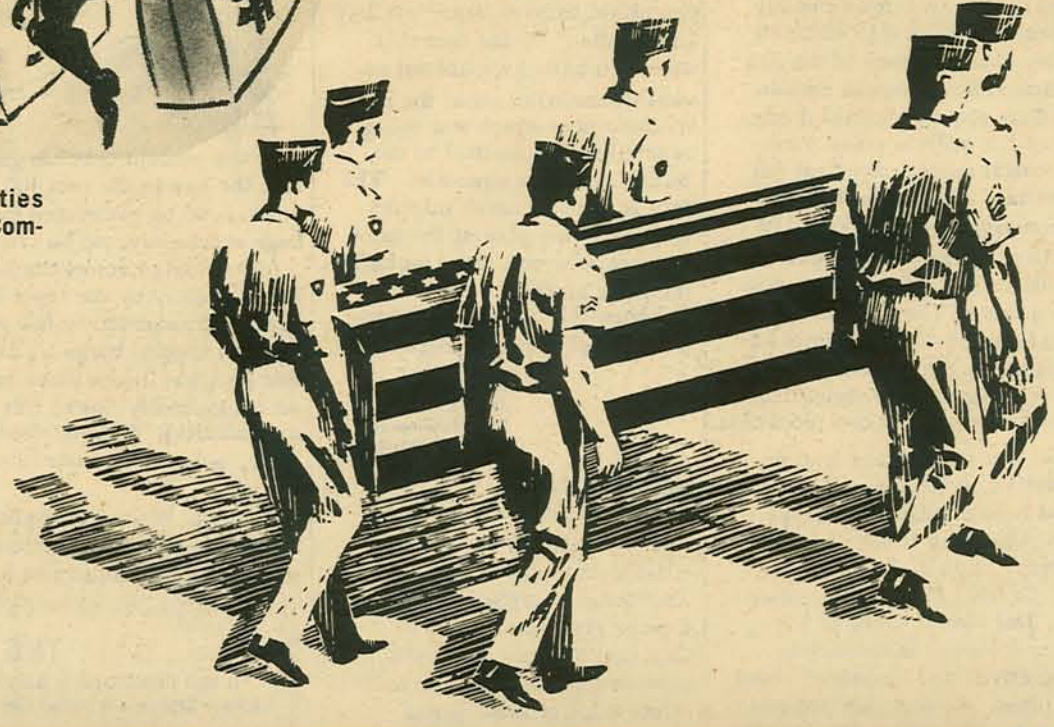
THE Candlestick Park Scandal: probably the biggest untold story in San Francisco history (May 14, 1968).

THE Haight-Ashbury becomes a tourist decoy (Aug. 10, 1967).



HOW Reagan and the utilities stacked the Public Utilities Commission (Feb. 16, 1968).





THE scramble for Vietnam war bodies among Bay Area undertakers (Sept. 25 and Oct. 31, 1967).



DRAFT BOARDS
..a Guardian probe



THE first published list of San Francisco's draft board members, their occupations and home addresses. . .startling facts of local draft inequities and discrimination . . . (Dec. 19, 1967).

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Toward a fourth party

Million of American voters have been disenfranchised by the nominations of Richard Nixon and Hubert Humphrey.

On the great overriding issues of peace, urban renewal and racial conciliation, these millions of voters from the lower, middle and upper classes have been left with nowhere to go politically. And their plight was dramatically underscored by the searing, perhaps irreconciliable, convention wounds of Chicago and Mayor Daley's barbed wire and unbelievably ferocious police, of the Johnson/Bailey/Humphrey convention juggernaut, of Sen. Ribicoff's eloquent condemnations from the podium and Daley's mocking of him in the convention aisles, of the dramatic events before tens of millions in the television audience that showed the party of Vietnam writhing over clashes between young and old, over events out of control, over the inability to govern itself or maintain order.

A proposal

Let us accept with alacrity the threatened resignations of the top command of the San Francisco police department in the broiling police commission controversy. Let us then recall Lt. Andreotti, former head of the police community relations division, to replace Chief Thomas Cahill.

This would put the emphasis where it ought to be: not on the old line captains and top commanders and on the tactics of aggravation of their tactical squad, but upon the policies of pacification of a strong community relations program.

It was not a pretty sight. But it did in its way foreshadow the November results: for it showed how the nomination of Humphrey is a prelude to defeat of the worst kind for the Democrats and for the nation.

For should he win, Humphrey's administration would have neither the moral authority nor the political force required to wrench the American government around, stop the war, reorder our priorities and begin the painful process of rebuilding.

By "winning," Humphrey accelerates the probabilities of uncontrollable shock waves that could shatter the Democratic system beyond redemption and repair. As things now stand with Nixon and Humphrey, the torrent of civil energy, idealism and hope that sprang up with McCarthy in New Hampshire and Kennedy in Indiana will be dammed up and multitides will turn away in disgust. Many will drop out or they will accentuate the move (which The Guardian deplores) of violent confrontations.

The widespread desire for a new political coalition of peace, urban renewal, racial conciliation and domestic rebuilding has now become nothing less than a political necessity.

It is time for a fourth party movement, always bubbling beneath the surface of the McCarthy campaign, to now come into the open, make a tough bid to attract a strong team (a McCarthy, a McGovern, a Rockefeller) and carry on the fight.

The Kennedy forces, it must be assumed, won't be available after their abject, still opportunistic refusal to back McCarthy at the convention and to press the platform battle on Vietnam. They're already girding for Teddy and 1972, to hell with everybody else.

There is still time. Neither the Dixiecrat movement of 1948 nor the Bull Moose Party in 1912 came into flower until after the party conventions. But to abandon the democratic political process to Nixon and Humphrey, to a war without apparent end, to cities in virtual revolution, is to court civil disaster.

Investigate BART

Where did BART's money go? Why has so little been done with so much? Why has the public been so persistently and brazenly misled.

Burton H. Wolfe, one of the finest investigative reporters in the business, has answered these questions in this Guardian about as completely and as thoroughly as can be done without subpoena power.

Among other things, he found: (1) the firms with the biggest BART contracts are the firms which contributed the most to BART's original promotional campaign; (2) competitive construction firms have formed joint ventures to get BART contracts, thus weakening and in some cases eliminating competition; (3) the firm letting BART's contracts is dominated by the Bechtel Corporation, which has close ties to businesses benefitting from BART; (4) BART, during the letting of these slushy contracts by the private consulting firm, Parsons Brinckerhoff-Tudor-Bechtel, was advised by engineers who had worked for PBTB; (5) two of them were retired but kept on the BART payroll.

It amounts to a spectacular mess. It ought to be investigated forthwith by those with money in the project: that is, San Francisco and the other cities and counties, the state and the federal government.

In the meantime, before another nicket of public money is appropriated, these agencies should determine whether damages can be recovered from BART's corporate beneficiaries.

The FBI beat

Bay area reporters, some of whom sympathize with some demonstrations they cover, should be pleased now that Atty. Gen. Ramsey Clark has forbidden FBI agents to pose as newsmen while gathering evidence at draft-card burnings and other such tribal rites.

It is irritating for the working press to see its occupation used as cover for federals gathering evidence for one or another Big Brother file in Washington. Clark issued his order after CBS Washington News Bureau Chief Bill Small complained on behalf of the three networks that the J. Edgars posed as TV newsmen in June during a draft-card burning in Washington.

At the last Resistance draft protest early in July on the steps of the Federal Building in San Francisco, one reporter summed up the crowd: "Two hundred reporters, three hundred FBI agents and four protestors." He used cocktail hour hyperbole, but he did have a point. The federals surely outnumbered the press photographers and were conspic- their breath too fresh, their suits too well-pressed and their collars too unwilted to resemble any working news photographer we have seen. Besides, they always wear those sincere neckties. J. Edgar likes his men neat.

All this provokes an interesting idea. Why don't these protest groups take a lesson from the Establishment and appoint a press secretary like Dick Nixon and Hubert Humphrey and the NRA- to separate the sheep from the wolves?



To the editor: Dear sir:

To the editor:

Here are a few of the many things that were wrong with your your article on San Bruno Mountain:

1. There was nothing secret about the Atkinson plan for removal of fill material from the mountain. It was discussed in public meetings. You could call it a "private" plan, but it wasn't "secret."

2. You say that the Atkinson study "proves beyond refutation" that Westbay Community Associates "are planning the most massive earth-moving operation since the pyramids." Hardly. As we told you, the Atkinson plan to take fill from San Bruno Mountain is out-of-date and the 600 acres of the mountain owned by Westbay are being considered for residential development. Some fill material could become available in small amounts from site preparation, if the plans progress.

3. The original Westbay project to which you referred in your article was not for 30 sq. miles as you claim. Nor was it even for 4,700 acres as you say later. It was for 4,159 acres, of which the great percentage was to be in open water and park lands. Out of the entire proposed development, Westbay would have had a net of only 636 acres for its own development.

4. Westbay's properties extend from Burlingame to the Santa Clara Line, not to the Dumbarton Bridge, as you stated. Elsewhere you say the properties extend from Hunter's Point to Coyote Point. You are either confused or intend to mislead. For future reference, Westbay's properties are on the San Mateo County Bayfront and extend from Burlingame to the Santa Clara County line and comprise 10,179 acres. In the newly released development plan more than half the total acreage will be in open water and internal lagoons (no fill). Of the remainder, over 20% will be in parks and open space.

5. You say there aren't any alternative fill sources to San Bruno Mountain. You are wrong. Right now, for example, 11.2 million cubic yards of spoil are dredged from the Bay annually to keep ship channels clear. Maintenance of the San Francisco Bay Channel outside the Gate requires annual dredging of 1.2 million cubic yards of coastal sands, excellent fill material. There are shoals of commerically dredged sand in the Bay. There are other sources for fill from construction projects and quarries. The present Westbay development plan contemplates obtaining a large portion of the fill it needs from dredging lagoons and waterways on its own properties.

6. You say Crocker is very secretive, often evasive about what it is planning. Crocker Land Company is not a public agency. You could also say that General Electric, Standard Oil, Del Monte Foods or any other company is sometimes "secretive" and "evasive" about its plans. So probably are you. What feature stories are you planning to run in August? September? I think any organization has has the right to do its initial planning in private.

7. You say that Westbay is applying "muscle in Sacramento to gut legislation that would perpetuate the BCDC." Not true and probably libelous. Also, the legislation is not to perpetuate the BCDC. It is to extend its powers through the period in which it exists -- 90 days after the close of the 1969 session of the Legislature. Westbay has not in any way, shape or form opposed the bill in question, and it did not oppose the original legislation which created BCDC.

8. Once again you say that Crocker is planning something "stealthily." I think this kind of statement qualifies as the "delusions and irrational suspicions" defined as a symptom of paranoia.

9. Finally, in your note to me you claim to have been "mollied and coddled" by the fact that when you called we did not reveal information about the new Westbay plan which was being readied for transmittal to the BCDC and other agencies. The fact is, you received information about the plan at the same time as everyone else, including the news media.

I hope this answers the questions posed in your undated note.

GERALD S. NOBLE
Arnold & Palmer & Noble,
Public Relations Counsel
for Westbay Associates

The editor replies:

I have been writing about this wreck-the-mountain and fill-the-bay plan for four years. This letter is typical of the Crocker/Rockefeller/Ideal Cement/Westbay Associates public relations strategy: to refute a lot of little points without once stating explicitly what it is they really want to do: that is, to move much of San Bruno Mountain into the bay.

Point 1: If there is nothing secret about the plan, why then have Brisbane citizens such as Paul Goercke been told they couldn't see the plan when they called upon the Atkinson Co. in South San Francisco? I unsuccessfully tried Atkinson myself today (Aug. 21).

2: I say only what the Atkinson plan says so eloquently: gargantuan excavation plans of 200,000,000 million cubic yards of dirt, many many times over the amount that has gone into the bay in the past 100 years... to be excavated by huge machinery..to be crushed ..to be carried across the Bayshore freeway by conveyor belt ..to be transported to fill projects by special barge... If this plan has indeed been rejected (undoubtedly due to this type of publicity), Westbay should so state, publicly and unequivocally.

3 and 4: Warren Lindquist, David Rockefeller's personal representative, indicated in his 1964 presentation to the San Francisco Public Utilities Commission that the project would fill the area between Hunters Point and Coyote Point, about 30 square miles. I gladly accept later scaled down versions, though it is hard to keep up with them. (For example: Noble now says Westbay would take only 636 acres of the total "for its own development." In November, 1966, the combine put "it's own" 1,663 acres or so that

■ —*continued on page 10*

THE BAY GUARDIAN

"It is a newspaper's duty to print the news, and raise hell." (Wilbur F. Storey: Statement of the aims of the Chicago Times, 1861.)

• • •

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In line at 3 a.m. to wait for Huey

By Wilbur Wood

The word was out that Huey would take the stand Thursday, August 22, and the people began to line up on the steps of the Alameda County Courthouse as early as 3 o'clock that morning.

A young, soft-spoken white couple got there first, parked their Volkswagen bus in front of the 12th Street entrance, and began serving hot tea, brewed somewhere inside the bus, as the others arrived in ones and twos and threes.

One of the first spectators every day was a black woman named Ruth, a retired dancing teacher. She must have been around 40, but she looked about 25. She had her hair in a short-cropped natural and wore the same pair of earrings every day, each fashioned ingeniously out of a piece of copper wire and a Free Huey button. Even fashion contributes to the revolution.

The other line

Bill Anderson and I (reporting for the Bay Guardian and The Nation, respectively) were already standing in our own line on the other side of the building, the 13th Street side. This was the line for the underground press. The non-establishment.

We'd been there since midnight--five hours earlier than was normally necessary. But we had gotten inside the courtroom every day so far, and we didn't want to miss this day. Seating for the press would be at a premium with Newton testifying.

Judge Monroe Friedman's court holds only 62 people outside the railing separating court from spectators. The judge had reserved 28 of these seats for the press, and 25 of these 28 were on a "preferred list": larger papers and local network radio and televison stations and major wire services had only to come between 9 and 9:30 to pick up their passes.

Usually not all 25 preferreds showed up. But we thought they would this morning. And Bill and I wanted to get two of those three seats that would be parcelled out first-come first-served at 9:30 a.m.

(It turned out that there were five seats for us at 9:30.)

Inside the Courthouse, the night guards paced up and down the bright, empty halls. By now they were used to us. We pretended we had them under seige.

As for the spectators, by 7:30 about 50 people had gathered outside the 12th Street entrance. Many more people had come and gone, realizing they'd never make it inside today, even for the afternoon session.

We figured that about 20 or 22 spectators would make it in for both sessions, morning and afternoon. Besides the 28 press seats, there were seven seats for Huey's family, and friends, and his beautiful fiancee Laverne Williams (whose V-W Huey was driving the night of the shooting).

Plainclothesmen

There were also the three or four seats for the plainclothes cops--and maybe this morning there would be more of them.

And there were the Black Panthers. They showed up at 8 o'clock and quickly moved to the front of the line. Like royalty. Eldridge and Kathleen Cleaver were there, and Bobby Seale (co-founder with Newton of the Panthers), and Stokeley Carmichael, David Hilliard, and several others: black coats, black slacks, white shirts, berets.

The line disintegrated into a crush of people agitating for position behind the Panthers. Ruth grimly hung onto her place and squeezed in.

The Volkswagen couple eased to the side and watched quietly: When the front-line troops arrive the militia moves aside.

Helmets all over

Each morning at 9:15 the first spectators moved into the building, past the helmeted, armed, walkie-talkie-bearing deputies. Into the echoing main floor to stand in line before the one elevator (also controlled by walkie-talkied deputies) that went to and from the seventh floor courtroom all day.

At the seventh floor, another line, more closed doors, more deputies. "One female," says the cop, or "the next two gentlemen," and slowly the people file in to be frisked. If you are black, or if you're obviously a white radical, you get a very thorough going over.

At the recess, you go out in the hall for a smoke and before you go back in you have to "submit to a search" again.

Guilty

For the non-preferred press, the 13th Street door opened each morning at 8. We would file inside and up to the second floor, to sit down outside the sheriff's office, and wait for 9:30.

The second day of the trial, Hal Streeter of the Associated Press noticed our line and came over to say he didn't feel good about getting in ahead of "you people." As a matter of fact, he said, he felt guilty about it.

We explained to him that we thought our line at least should be called before the SECOND people from the three big Bay Area dailies got in (San Francisco's Chronicle and Examiner and Oakland's Tribune each had two spots on the preferred list--everyone else on the list had one).

When the front-line troops arrive, the militia stands back. In Oakland if you have a black skin--and especially if you wear a Free Huey button, or a Black Panther uniform--you're automatically a front-line soldier, every day. It's open season and you are the deer.

The cops are the hunters. Or, as the Panthers see them: "the occupying army," "the agents of the oppressors," "pigs."

The pigs don't like the deer to have guns. But some deer decide to become Panthers. They begin to carry guns on their patrols through the ghetto --trying to stop the occupying army from harassing the black residents. So the police begin to stop Panther cars on minor traffic violations (or on no violations at all). They confiscate the Panther weapons.

(This costs the Panthers so much money in court cases and lost weapons that Newton, the Minister of Self-Defense, finally orders the Panthers not to carry any weapons on patrol. This is well before Oct. 28, 1967, Newton says. Part of Garry's defense is that Newton had no gun that night.)

All this is objective reality in West Oakland--black Oakland--but it is a reality that rarely, if ever, surfaces into white consciousness. Instead, the Tribune notes that the police arrested another Panther last night for brandishing a gun in a threatening way.

Most certainly he did not brandish anything, or he would be dead. But nobody bothers to ask him about it. The white people read the Tribune story and grow more paranoid. The black militants are plotting to attack them by night in their beds. After all, they call the police "pigs," don't they? And Newton killed that officer, didn't he? The police say he did, so it must be true.

See no evil . . .

"Mr. Newton," the judge keeps insisting in court, "is not on trial here because of any ideas he may have about the social system.... We are trying to find the truth of what happened Oct. 28, 1967."

The judge, his rulings and his statements show, would rather find "truth" without listening to any of this stuff about police brutality, economic exploitation of the ghetto, massive unemployment in the ghetto, and alleged attempted bribery of witnesses by the district attorney's office.

Open season

Henry Grier comes in, a black man. The prosecution's star witness. He says he saw Newton pull a gun and shoot Heanes, grapple with Frey, shoot and kill Frey. Grier was driving his bus by the scene at the time. He describes Newton's clothes that night: black coat, black slacks, white shirt, maybe a black beret.

In cross-examination, Garry notes that just an hour and a half after the incident, Grier described a very different person from Newton, a person ten inches shorter than the 5'10" Black Panther leader, and some 30 pounds lighter than Newton's 155; a "sort of peewee" kind of guy; a person wearing a TAN jacket, BLACK shirt and black HAT (not a beret).

Hal Streeter starts to list the six or seven discrepencies between Grier's two statements. "But isn't that editorializing?" the Examiner's Sam Blumenthal asks, with a perplexed frown.

Not shaken

George Draper's Chronicle story the next day says that the busdriver's testimony was not shaken by Garry.

Draper's story does note that Grier was held in "protective custody" for several days before the trial began. Not in jail, however. At the Lake Merritt Hotel.

Draper's story fails to note that Grier, in protective custody, was therefore not at the address that Jensen left with Garry when Jensen gave Garry the list of prosecution witnesses.

So I asked Draper about this. Don't you remember, he says, that Jensen offered to have ALL his witnesses in his office the Friday before the trial began?

Yes, I remembered that.

And Garry turned Jensen down, didn't he?

Yes, I say, but you know what REALLY was going on, George. Jensen played a trick on Garry.

How so?

The fact is that no prosecution witness had agreed to talk with Garry for ten months. When Jensen made his famous offer, Garry told the court he had too much to do over the weekend to spend one entire day in Jensen's office having people refuse to say anything to him.

Garry wanted to see Grier, of course. Even if Grier refused to talk to him. (No witness is required to talk to the opposing attorney before the trial, but that attorney has the right to try to contact the witness.)

But Grier wasn't home. He was down at the hotel.

Bribery?

One day Garry brings in three black men. They will testify, Garry tells the judge, that the D.A. summoned them in on a trumped-up charge (it was never followed up), but a serious one: running a disorderly house. All three men tell the court they were offered money for information about the Newton case, perhaps to testify against Huey in court.

The jury is out, because Jensen has objected to this testimony as "incompetent, irrelevant and immaterial." The judge agrees: it is common practice, he says, to pay for information--I imagine you've done that yourself, Mr. Garry.

Garry hotly denies it, and bluntly charges the D.A.'s office with attempted bribery. The judge explodes: There is a point, Mr. Garry, where even you must stop!

The next day I asked George Draper why he had not bothered to report this at all. and Tim Findley, the Chronicle number two man at the trial, said that their city editor, Abe Mellinkoff, had instructed them not to report anything except what the jury heard.

Why? I asked.

Because the jury might read the story and that would prejudice the case. (The Chronicle and Examiner are very touchy about prejudicial publicity--the Wolden and Silverthorne cases have been thrown out because of this.)

But the jury is admonished by the judge, I said, not to read or hear or see any news reports of the trial.

Do you believe the jurors DON'T read the paper? Draper said.

Even if they do read it, I said, that's hardly your worry.

And I wondered: how could anyone report a trial accurately and completely if he was not allowed to report the arguments over points of law and admissibility of evidence? For all such matters are carried on out of the jury's hearing.

What does it mean?

The jury is supposed to hear only that testimony which the court deems "relevant." Garry is trying to stretch the bounds of relevance, he is trying to put this case in the broadest possible social context.

But the judge says that Huey Newton "is not on trial here because of any ideas he may have about the social system." So the judge does not look benevolently upon evidence about the injustices of this social system.

Poetic license?

Garry argues that the testimony of a black sociologist, a specialist in ghetto language, should be admitted. Jensen objects. Garry tells the judge:

The prosecution says that because Newton writes an article about revolution, or a poem

—continued on page 14

The Guardian you prefer

The Bay Guardian is beginning its third year of publication with a new name (The San Francisco Bay Guardian), a new look and a new publishing schedule (monthly, then every three weeks and fortnightly as advertising and circulation permit.)

Its editorial board also is discussing how and where to expand its current news and editorial coverage. You can help us develop The Guardian to best advantage by filling in the questionnaire below.

Please check the proper space to indicate whether you would like more, less or the same of the following categories. Return to *The Editor, The San Francisco Bay Guardian, The Guardian Building, 1070 Bryant St., San Francisco, Calif. 94103.*

	More	Same	Less
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What are your favorite articles and writers?

Please indicate other material you would wish to be included.

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Huey: 'No, I did not . . .'

◆ —continued from page 5

could easily kill.

Look at his record. Stabbed people. Hit people with a hammer. Always in trouble.

Huey could explain his encounters with the law but the judge doesn't want to hear any more political talk, thank you, and he repeatedly tries to confine Huey to the strict legal relevance of the questioning.

So Huey chooses to deny statements of the D.A. that are physically true but otherwise not.

Jensen's voice rises a little as he presses Huey. Then, describing an incident in 1966 with a policeman, Huey says, "the officer was drunk, drank three quarts of beer, isn't that a fact?" mocking Jensen's method of questioning.

The courtroom erupts with tense laughter, as it erupts when you have been stretched as far as you can go. The judge sternly rebukes Huey. Garry rises and protests; he asks the judge to declare a mistrial on the grounds of obvious bias shown by the judge himself.

He does not declare a mistrial. Continue with the questioning.

Jensen goes on. Don't the Panthers stand for terrorism? Haven't they--and Huey--threatened wholesale slaughter on the white people? Didn't Huey run up behind the policeman and hit him on the head?

Then, "did you shoot Officer John Frey?" Jensen asks, softly.

"No," says Newton, as softly.

●●●●

Why do we feel so upset? Why is everybody, racist or not, so afraid of this trial? An acquaintance overhears a state assemblyman talking with a friend. What's going with the Huey Newton trial? He hasn't been reading the papers. It looks like the prosecution has no case at all.

Well, that's too bad. The sheriff's office has committed too much on this one. There will be trouble from the whites if Huey is acquitted, trouble from the blacks if he's convicted. How can anything good happen to Huey? He won't live a year if he's freed.

When Garry argues that Herman Blake, a black sociologist, should be permitted to tell the jury how it is, he makes a magnificent speech. He defends the role of the black liberation movement as being nothing more than a demand for decent treatment by people who have been oppressed for a long time; even now it is not the blacks who are dying.

Jensen gets up to argue that Blake should not be allowed to testify. He says that all that other social, political, racial, cultural business should have nothing to do with the case. Garry gets up again, wearily, and argues. But he knows that neither Jensen nor the judge, nor the bailiffs, nor all those millions can understand a word he says. And is it that the real past--full of violence and machines finally has come upon us?

Going back to the courthouse after lunch one day, as I pass the round parking garage, I see a black man coming toward me. He is dressed in black pants, blue shirt, with a medallion hanging around nis neck. The street is filled with the hot Oakland sun.

I've seen him in court before. I think he's a relative of Huey's.

He walks up to me. "What paper do you write for?" he asks.

"Bay Guardian," I answer.

"What kind of paper is that?"

"It's on the right side," I say.

"Where does it come from?"

"We publish over in the City. In San Francisco."

"That's not good enough," he says, "it got to get to the people of Oakland. You tell them that Lee Edward Newton, brother of Huey Newton, said the Oakland Police is the rottenest in the world. Use my full name. Lee Edward Newton."

"I will," I say.

He turned and ran up the street.

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editor: To the ed

■ —continued from page 8

included a 500-acre industrial park, a 300-acre distribution center and 1,900 housing units.)

5: There are limited alternate sources of fill, and I hope Westbay uses them, but I doubt if any except San Bruno can provide the quantity and quality this enormous project demands.

6 and 8: Crocker is not a public agency, but it does own about the last remaining large chunk of undeveloped real estate in a metropolitan area in the world. As such, it has public responsibilities, particularly since it plans to use district financing (the use of public credit, as in Foster City and Redwood Shores) to help finance its private projects.

7: This combine since its inception has tried to kill all Save-the-Bay controls. Its latest move was to announce its plans just days before the Save-the-Bay plan was presented to the BCDC.



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SOUND

By Printer L. Bowler

Some of San Francisco's best merchants of sound joined karmas recently to pilot Bay Area rock music toward a regular national TV gig. The idea was to shoot in color video-tape a "live" session of rock groups at the Avalon Ballroom, complete with hippie types writhing on the floor, and then sell it to the networks (NBC is the most interested). It's time somebody thought of it. Not since Slick Dick Clark got away with American Bandstand back in the dark ages has national TV featured a weekly show of music that's happening. (If someone asks, "But what about the Monkees?" we'll pretend we didn't hear.



The talent on hand to produce the show--all maverick entrepreneurs--was encouraging: Abe Jacobs (former road manager for P, P&M and Mamas and Papas) now with the Sunshine Co., honchoed their $1 million+ mobile video unit, only one of its kind in the U.S.; Bob Cohen, former half of the Family Dog (which now operates the Avalon) and one of the best audio engineers on the W. Coast, plugged it all in; Marc Richardson, 20-year-old owner of Diogenes Lantern Works, put together a light show that will blur even the most fervent right-wing visionaries.

Then there were the rock groups: First and certainly least was Blue Cheer, below grassroots in talent and out of sight in ritual. Decked in lace, skin-skin-tights and some aphrodisiacal parfum that would cause a hormone rebellion in even the most sluggish, Cheer blundered from 4 to 11 p.m. the first day and still couldn't get a good take on their latest album cut, "Feathers from Your Tree." Chain-smoking bassist and lead singer Dickie Cheer, who'd like to be SF's answer to Little Richard, is among those malingerers in the music world who substitute nasal epilepsy and the grimace du larynx for good song. Sequoia Nat'l Forest is full of tree stumps with more soul than he has. Guitarist Lee Cheer, slightly less incompetent, nevertheless would be more ethical punching keys for IBM. And all you have to do is watch the melancholy (real, not put on) eyes of drummer Paul Cheer to know he'd really rather be smacking in some other galaxy...he has the look and the action of a brush salesman who just got assigned the Fillmore Ghetto route. (Sales of their latest album just out are slow...understandably... slow.)

●●●

When someone mentions "West" they're usually smiling. That's what the show's second group, West, does--gentle, cowboy soft-rock--can't help but make you feel good. Quickly becoming The Other Group to Have at Your Thing, West did their best-seller "Tom Thumb's Blues" for tviewers. One of their best (played but not put on tape that day) is another Dylan number, "Down Along the Cove" that plump drummer Lloyd Perata belt-croons...it unties your shoes, if you still wear shoes.

Undoubtedly the group that will do most to sell the show was Steve Miller's Blues Band. Steve came from Chicago several years ago, pieced his group together here and for a long time hacked away doing other people's music. But in the last six months, he's found some soul to call his own, and it came out in his latest album "Children of the Future." At 24, Steve is as good on harmonica as Paul Butterfield, can play guitar alongside anybody and his young throaty voice is compelling. Drummer Tim Davis, the bearded cat under the felt Panama hat, is the band's workhorse, always moving the group to where the good rhythm is. Boz Scaggs (vocal on "Steppin' Stone") is one of the better second leads in the business, and has a fine rapport with bassist Lonnie Turner. And when Steve expands his arrangements to let Jim Peterman do some lead exploration on electric organ, it'll all get even better. (For your calendar of events: Steve's new album "Sailor" is due out for early October.)

Video editors at Sunshine Co. are piecing together the half-hour show for release sometime next month. It won't be as jazzed as KQED's one-shot rock feature "West Pole," full of the cinematic explosions of Ben Van Meter and John Urie that flashed on your tube last week. It's experimental. It's an attempt to spread SF's unique sounds nationwide every week over the best available medium... sight and sound together. It's for the kids in East Dogbark, Neb., who didn't make it to SF this summer.

●●●

Lou Rawls has gone all the way. I thought he had a new one out as I listened to the radio the other day--but it turned out to be a soul soap commercial. The band sounded like his usual band; his voice carried that same smooth gravel-sex it usually has when he sings how tough it was in Chicago. In fact, the commercial's lyrics had a familiar Rawls ring. I got nothing against making a buck... but becoming indistinguishable is the last straw. Was nice knowing you, Lou.

●●●

Checking out some of the neighborhood (off-Broadway, as it were) booze joints around town needn't be entirely depressing. In fact it can revive copious nostalgia...like going to the Junior High Hop... only everybody's drunk and older: Once you get by the boss' cousin who checks I.D.'s, you see the familiar bar crowded with alkie-trippers...it's crowded and stuffy, but you can still make out the good old teen-age battle lines: secretaries and cosmeticians, sultry and pouty, move in squads from the bar to small tables to the door marked "Les Femmes." On the other side, the insurance underwriters and junior execs perch like condors, waiting for their chemicals to signal the strike--Now! Ask her to dance! Most everyone is either guffawing or staring...nowhere flashes the digger's smile.

But even so, one is occasionally fortunate in finding a straight place where the tension isn't completely immobilizing...the Old Library (951 Clement) is crowded, has the boy-girl invisible barracades...but they have some good sounds, too, a group called the Black Velvet. In spite of their Roos/Atkins-type Nehru jackets and Sears & Roebuck plastic necklaces, curled bangs, etc., they have a touch of soul...however slight, it's a touch and a rare discovery on the alcohol circuit...Tuesday thru Saturday, weekdays are best.

ROLFE PETERSON REVIEWS



"Your Own Thing" ACT | "New Committee Revue" Committee | "Scuba Duba" Alcazar | "On A Clear Day You Can See Forever" Curran

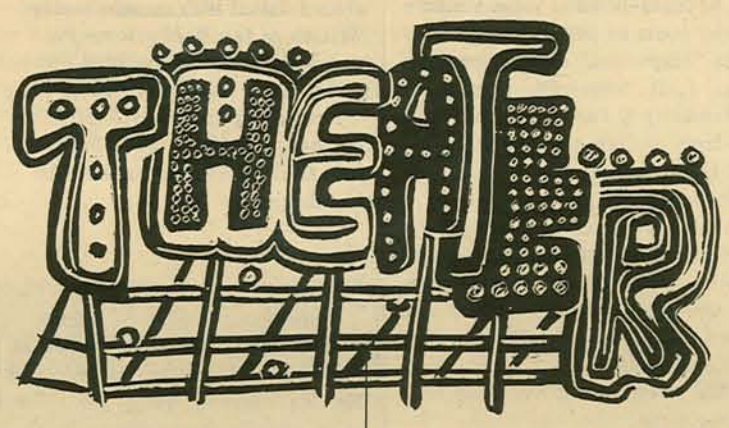
Please, hippies are silly, too

"Your Own Thing" is a fast, hip, rock-and-roll version of "Twelth Night" that the ACT has brought up here from Los Angeles, and it's nice to have something besides "You're a Good Man Charlie Brown" to recommend to visitors from out of town.

It is no monumental achievement, but its modest pleasures loom large in comparison with the shoddy disappointments of other shows that have been inflicted upon us in recent weeks.

The new Committee Revue is a limping reprise of the same old targets, as if there's nothing funny in this world of ours except Oakland cops and Vietnam hawks and squares who don't dig hippies.

The true satirist recognizes that hippies are as silly as the rest of us, and the Committee's parochial reluctance to aim its barbs at such sacred cows has made it as pompous and bigoted as some of the people and institutions it mocks.



Morgan Upton is intrinsically funny, but one old pro cannot balance the general lack of fun and wit that characterizes the rest of the company. All except Mimi Farina, the perennial on-the-job trainee, have good moments here and there, but the performance as a whole seems merely smart-ass, without the flair and content that can make a smart-ass charming.

Audacity and Charm

I found this kind of audacity made charming when I read "Scuba Duba," a talky but witty play by Bruce Jay Friedman. I still think its grotesqueries and caricatures say something both pertinent and funny about race prejudice, moms, marriage, psychiatry and other important things.

Given a good professional cast, including such superlative performers as John Saunders, Zachary Charles and George Ede, "Scuba Duba" needed only a capable director's polishing and pacing to make it a stimulating two hours of wild entertainment.

Well, the same capable director who made it an Off-Broadway hit in New York served it up to San Francisco as a tedious three hours, too long, too slow and not full enough in the acting.

So "Scuba Duba" closed after a few performances, the handsome little On-Broadway Theatre goes back to being dark and wasted and the Fabulous Invalid gets sicker.

More last rites were administered by Ross Bowman who directed the atrocious production of "On a Clear Day You Can See Forever" at the Curran. In this case the director cannot be blamed for the abortive book and lyrics that Alan Jay Lerner must have dragged from deep in his trunk, or for the music that Burton Lane must have knocked out on a bad day.

Drunk and Disturbed

But a director surely has something to say about the casting of such inadequate performers as Brian Avery and Beth Peters, and about the over-acting of John Cullum, who dramatizes his songs in the manner of a drunken or disturbed Rex Harrison.

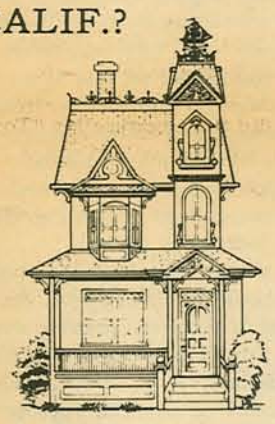
And it was certainly his job to school the weird group of neophytes who serve as chorus boys and girls in the fundamentals of professional comportment on the stage. He might even have exercised some advisory influence on the unbelievably bad choreography and costuming.

Tammy Grimes is an original, above being ruined by an incompetant director, but for the first third of the show, the combination of boyish haircut and bizarre mini-dress caused her to project a good deal less femininity than some of the chorus boys.

Admittedly, we have suffered a period of drouth in the American musical theatre, and entrepreneurs who have to bring us musical comedies to stay in business have had to bring us bad ones in the absence of good ones.

But when the writers and composers can almost make you think they're first-rate, as we saw in the Gower Champion--Mary Martin--Robert Preston balancing act in "I Do! I Do!" The director and performers of "On a Clear Day" managed to take a third-rate work and turn it into a fifth-rate work.

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The Tweedlehumph, Tweedledick hoax

■ —*continued from page 4*

fighting--for the immediate issues--peace, total racial equality, total abolition of poverty. Most important for the long term issue, the reconquest of community and of individual integrity.

Here in San Francisco we live in an atmosphere of almost total fraud. Our pseudo-liberal newspapers kid us into believing that more than most cities we have honest and responsible government. What we have are a number of tastefully decorated facades.

We don't need a civilian control board to keep the police in line. We have Citizen's Alert. In fact, Citizen's Alert has filed in the past two years 200 complaints which it considers police brutality, not one of which has been acted on by the Police Commission.

The Housing Board can't pay the rent of the poor. One speculator sells the Sutro Bath Cliffs to another. Congress cuts the Redwood National Park to less than the lumber barons' offer. David Rockefeller, who prides himself on his reputation as a civic leader moves to destroy both San Bruno Mountain and a big hunk of San Francisco Bay at once, to cut off the mountain and fill the Bay with it.

The paper says mini parks for South of Market. Beautiful McLaren Park is still a rubbish littered wasteland deliberately sabotaged by the Establishment until in disgust the citizenry permits it to be sold off to the developers. The Highway Commission, out of pure spite, plans to pollute the city's water supply.

So it goes. Lincoln Steffens was certainly right. In America, bad government is better than good government.

I have very little faith, none in fact, in delegated authority. I believe the electoral process in the U.S. is pretty much of a hoax, which should be obvious with a nation facing a choice between Tweedlehumph and Tweedledick and a nominating convention guarded by the regular army.

The ballot, as they once said, is a paper substitute for the bullet, the bayonet, and the billy. Political action in America no longer takes place in legislative chambers. They only reflect, at a considerable distance, the struggle of apparats, organized special interest just like the workers' fatherland.

What we need is another apparats with a special interest of--MAN! It is perfectly possible to do the movement devoted to community initiative, organization at the point of conflict and individual discipline and responsibility. The temporary, alas, blocking of the destruction of the Panhandle and the front of Golden Gate Park by the HEARST freeway is a good example.

This move had no organization behind it when it started. The entire establishment was for the freeway, although later, because the Examiner made so much noise for it, the Chronicle took the other side to sop up the circulation--its most revolutionary position prior to its intransigent and irreconcilable drive to string $5 worth of wire through the Broadway tunnel.

What stopped the butchery of San Francisco that time was just plain human people acting at the community level. People who eventually all came to know one another just like, so they say, all the free people in Athens.

That other Athens, not this one, known familiarly as Bogalusa by the Bay.

The real drug issue

□ —*continued from page 4*

nothing compared to the day by day tactics of local, state and national narcotics police agencies. All of us concerned about law, order and justice recognize that the lies and hypocrisy of drug police represent a major cause of the widespread disrespect for the whole system of the administration of justice and a major cause of illegal drug use. In effect, the law is hard on people and soft on drugs.

No Inevitable Effect

Anyone who has attended America's most popular drug experience, the cocktail party, knows that mind-altering drugs have variable effects. Although the drug's pharmacological properties and the social setting are important, the major ingredient is the underlying personality and character of the person ingesting the drug, including his mood, attitudes and expectations. In ordinary dosages, no drug can be said to be inevitably harmful nor can any of them be considered totally harmless.

We live in a drug-ridden society where the average adult uses (and thereby induces his children to use) some three to five mind-altering drugs each day: caffeine, nicotine, alcohol, tranquilizers, sleeping pills and wake-up pills--to escape, to relax, to socialize, to conform and be happy.

It is important, however, to realize that no drug is inherently desirable or necessary. People can lead meaningful and productive lives, find significance and identity, without using drugs.

The answer lies in education and prevention, in attacking the socio-psychological roots of the problem and understanding it as a public health issue and sociological phenomena. Not only is it unsuccessful and harmful to handle drug users as criminals, but it is barbaric in the same way that burning witches at the stake or putting the mentally ill in dungeons was barbaric.

The user-possessor should not be criminally prosecuted as such. The law should judge antisocial behavior whether or not it occurs in association with a drug, most commonly alcohol. The drug police should concentrate on major drug traffic such as the three tons of marijuana transported from Mexico into California each week.

Full scale treatment of all forms of drug abuse should be resumed at the Center for Special Problems. Drug-education programs should be started in the schools. Our society should redirect its attention to more important matters.

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Why BART IS BROKE

★ —continued from page 6

tioning of BART directors later demonstrated. (See page 3 box.) It was Hoover's one-man show, and his relationship was extremely close to the private firm BART hired him to oversee in the public interest.

Hoover finally was retired as chief engineer in February, 1965, because of the controversy over his embarassing lack of engineering qualifications and because of his relationship with the PB part of PBTB. But, unreported in the press and unknown to the public, Hoover has been amply rewarded: he was "retained" as a paid PBTB consultant on the BART project and has been paid $28,166.43 in consulting fees from June 3, 1965 to June 30, 1968.

Hoover's replacement, Stanley Forsythe, was of little cheer for the cause of tightly controlling BART's use of public funds. Forsythe ascended smoothly into BART--he was senior transportation consultant for Bechtel until June 30, 1963, then he went on PBTB's payroll as a senior transit consultant. Then he went to BART as chief engineer.

Thus, the man with sole authority to approve PBTB's contracts was the man who had been an executive with the B part of PBTB, then with PBTB itself.

Belated effort

It was not until 1966, and millions of dollars of slushy contracts later, that BART sought to alleviate these structural interest conflicts by retiring Forsythe and hiring David G. Hammond as the first outside man, the first man never on any part of PBTB's payroll, in this critical post of financial control.

(However, Hammond did know Parsons Brinckerhoff well and used the firm on various jobs while he was a supervising officer for the Army Corps of Engineers.)

But the point is that, by the time Hammond was hired in 1966, PBTB had already spent the biggest chunk of its fee and sublet the biggest contracts--BART's financial troubles were well underway.

Meanwhile, Forsythe's ascent continued without hitch. BART retained the former Bechtel executive as the transit assistant to the general manager (Stokes) at a current salary of $2,189 per month.

The real power: Bechtel

Bechtel is the real power in PBTB and BART. The largest engineering firm in the world and one of the largest construction outfits, Bechtel dwarfs Parsons Brinckerhoff and Tudor, its joint venture partners.

Bechtel also is a Bay Area powerhouse. The Bechtel family, sole owners of the corporation, has powerful ties into the business and political communities. Director Kenneth Bechtel is one of the top ten stockholders in the Wells Fargo Bank, owning more than 5,000 shares. Stephen D. Bechtel Jr., the corporation president, sits on the board of directors of the Crocker Citizens Bank.

Crocker and Wells Fargo were the first two banks up with high-rise buildings once BART was approved. Crocker's Mortimer Fleishhacker and Wells Fargo's Kendric Morrish teamed with Wente of Bank of America as the heads of Citizens for Rapid Transit.

Who is impartial?

Several BART directors have stated that they voted for the engineering contract awarded to the Bechtel-headed joint venture on the basis of letters received from "impartial" outside engineers: J. R. Sverdrup, president of Sverdrup & Parcel & Associates; the firm of Dames and Moore; and H. J. Brunnier.

But since the contract was awarded in November, 1962, Bechtel vice president Kiely has admitted that he himself contacted the "impartial" outsiders and asked them to send letters to the BART directors.

"We have known Sverdrup for a long time," he admitted. "I read over the phone to him the pertinent paragraphs so that he would completely understand the paragraphs."

Sverdrup understood and wrote that the contract was a good one. Now, more than five years later, I examined the sub-contracts being let by PBTB on the BART project, and I found the following awarded to Sverdrup & Parcel & Associates: $33,660 on March 10, 1966, for design work; $8,800 on June 24, 1966, for "increase in scope of work"; $16,610 on Oct. 10, 1966, to "revise proposed contract."

S. Verd and parcel

Also, there is a notation in BART's records of a sub-contract awarded by PBTB to "S. Verd" & Parcel for $222,505.

Sverdrup's total slice of the contract he recommended came to $281,575.

As for Dames and Moore, this firm was paid by Parsons Brinckerhoff as a consultant for the original 1953-55 "study" that led to BART. PBTB now has awarded Dames and Moore 12 sub-contracts totaling $196,659.

And the third "impartial" outsider, H.J. Brunnier, has two sub-contracts from PBTB totaling $120,748.

Half-million cut

The grand total slice for these three "impartial outsiders": $539,912.

So far as Adrien Falk, BART's president until recently, was concerned, none of this was to make any difference anyway. Gaveling down critics at the Nov. 29, 1962 BART directors' meeting to award the engineering contract to PBTB, Falk announced:

"It is none of our business how much profit the engineers make in this contract. It is none of our concern."

So it happened that, as PBTB's management fee rocketed from $47 million to $100 million, Bechtel's president Steve Bechtel Jr. and his father Steve Bechtel Sr. were personally advising the BART staff on all contracts and work plans.

The trouble with that arrangement has been not only the Bechtel corporate interest in BART money paid to PBTB, but also the Bechtels' personal association with Kaiser, one of the key firms among those awarded the biggest contracts by PBTB.

They built dams together

Here is how BART's public relations director George MacDonald, formerly public relations chief of Kaiser engineering services, explained Bechtel's relationship to Kaiser in a conversation with me:

"Back in the old days, Henry Kaiser and Steve Bechtel were good friends, and they built a lot of dams together. The two firms have engaged in many joint ventures together. They split up for awhile, but they're back together again, and now they're just like that (and he squeezed his two fingers together)."

Henry Kaiser, Sr. died last fall, but the close corporate relationship has continued.

MacDonald was equally frank when I asked him nonchalantly: "Which of the Bechtels really runs BART--Steve Bechtel Senior or Steve Bechtel Junior?"

"Both of them," MacDonald replied. "Both of them have sunk their lives and fortunes in this thing."

This is the second of a four part series on BART by Burton H. Wolfe, former editor-publisher of The Californian. He is the author of an excellent paperback book titled "The Hippies."

His first part showed how BART was the key to the move to make San Francisco into another Manhattan Island. His third part, "BART's Broken Promises," will show, among other things, that the public won't even be given a noiseless train with seats for everyone, as promised. Nor will the poor in the ghettos nor most of the white collar workers in Pacific Heights, the Marina, the Sunset and Richmond districts be able to use BART.

His fourth part will present alternatives to BART, a fixed rail system obsolete before the first spike was driven. New transport systems have been designed by Westinghouse and General Electric, which will build them if communities ask for and pay for them.

More big bills

It's not just that PBTB engineers, the contractors and the subcontractors are making too much money on BART--more heavy costs loom. It took $60 million to pay for the first 2,500 parcels of land along BART's right of way and the last time I looked there were 2,500 parcels remaining to be bought.

BART director Arnold Anderson, a real estate appraiser, explained how free enterprise works against BART:

"When a new station is announced in an area and you begin to buy the property, you find out six months later that the speculators have been working, so you are paying through the nose."

Viet Nam inflation

Another factor, according to a report issued by California Legislative Analyst A. Alan Post, was that "inflationary pressure cause by increased construction related to the Viet Nam war" raised BART's cost.

All this is true, but the original estimate of $792 million for basic construction contained a 30 per cent inflation factor, plus further leeway to purchase real estate along BART's right of way. There must be another factor.

Post also reported that there was limited competitive bidding on BART contracts, especially for larger jobs, because "the supply of big contractors is being thinly spread among many big jobs."

The questions remain: Why aren't state and city governments seriously investigating BART's rising costs? BART's engineering contract? The way PBTB engineers manage construction contracts? And since federal money is involved, too, why isn't Washington digging into these matters?

The picture is quite clear: The firms that contributed the largest sums of money to BART's campaign now have the biggest BART contracts.

The private engineering firm letting those contracts for BART is headed by one big San Francisco Bay Area corporation with close ties to some of the businesses benefiting from the mammoth project.

BART's staff, during the letting of the biggest contracts by the private engineering firm, depended on advice from BART engineers who also were engineers for the contracted private firm.

And finally, construction firms that are supposed to be competing have formed joint ventures to get BART contracts, thus weakening competition in bidding and sharply increasing costs.

It is all too cozy to be ignored. BART should be investigated for conflicts of interest, possible overcharges, and lesser costs had true competition been in effect. Nobody should be asked to appropriate more money for BART if damages can be recovered from the huge corporations involved in the construction of the $2 billion-plus system.

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Domestic tension in Manhattan with a chilling 'X' factor

By Margo Skinner

Rosemary's Baby (Paramount)
Cinema 21

2001: A Space Odyssey (MGM)
Golden Gate

Hour Of The Wolf (United Artists)
Larkin



Imaginative films are in again, and a central strength of "Rosemary's Baby" is the exciting tension between young married domesticity and the supernatural. There are the usual problems of housing, adjustment to each other, neighbors, the demands of the husband's job and the wife's first pregnancy--but with an X factor: Satanism.

The brilliant Polish director, Roman Polanski, completely captures two aspects of Manhattan: the mouldy gothic atmosphere of an old apartment house and the glitter of young media society. But he frames the film in aerial shots of the gabled roofs of old mansions, to the accompaniment of a sinister lullaby, the whole reminiscent of Prague or any other ancient and demon-haunted European city.

There are some flaws. The dream sequence is less impressive than it was in the book, since the figures of the Kennedys can only be hinted at cinematically. Then too, any devil (even played by Anton Lavey, San Francisco's sorcerer) is more diabolic imagined than seen.

Brooklyn Stripper

Ruth Gordon's portrait of the determinedly youthful, overdressed neighbor has been mentioned as a possible Academy Award candidate. I thought it was pure ham. She acted like an aged Brooklyn stripper--with even less warmth. I wouldn't even take a martini from her, let alone a sinister-looking potion.

But Sidney Blackmer as her hus-husband gave a bravura performance, well worth a supporting Oscar. In the finals he exuded diabolic power; I crossed myself. Though Ralph Bellamy was an unconvincing gynecologist, other veterans Maurice Evans, Elisha Cook and, of all people, Patsy Kelly acted well. John Cassavetes was adequate in the thankless role of the husband.

But it was mainly Mia Farrow's picture, and she was great. Her charming starved-waif quality was perfect for Rosemary, and there was great pathos in the flight through New York streets of this little figure, balloon big in the middle, trying to save her baby. In the last scene she and Blackmer were like steel on steel with sparks flashing.

Polanski (who wrote the script) avoids cliches: Rosemary does not scream when she first sees the child. She puts her hand to her mouth and the music screams for her.

This is a thriller in the best sense, with metaphysical undertones that grow more frightening in retrospect.

Space Odyssey

"2001" is a triumph of the imagination, an achieved work of art. Its form seems symphonic. The four movements are: dawn man, man in near and domesticated space, the first interplanetary voyage, and cosmic revolution.

Cinerama seems to have been created for this film. A vast screen reveals first an alignment of Sun, Moon and earth, then the untouched world of a million years ago. It shows the majestic dance of space vehicles around earth and moon and the trip to Jupiter (king of the gods), which outshines light shows and suffuses colossal land- and heaven-scapes with fantastic changing colors.

Immense care has been taken with special effects, both scientific and imaginative. Guardian Art Director George Gardiner found the film visually distinguished: the bizarre materialization of a space pod in a neo-18th century room, for example, he found comparable to the best of surrealist painting.

The sound track is incredible. "Thus Spake Zarathustra" opens the film. Domesticated space craft move to Strauss waltzes. Gyorgy Ligeti's remarkable "Requiem" is theme for the black stone slab, the film's central symbol.

Psychotic Computer

Other sound is used musically. The heavy breathing of the only survivor on the Jupitor ship is intensified till it seems one's own. The death speech of the psychotic computer is like a tragic aria. Knife against fork and a shattering wine glass break the intense silence of a strange Louis XIV room.

Human dialogue seems deliberately commonplace. Bureaucrats and technicians talk jargon, ironic counterpoint to the wonders around them, showing that man has become, as Thoreau said, "the tool of his tools."

A friend has wisely said that this is not an actor's film but a film film. Its philosophic richness is not presented verbally, but cinematically. Characters are types. Only Hal, the computer, is individualized. At first he is also an organization man, yet his all-too-human emotion soon turns to paranoia. Only he is capable of saying "I'm afraid."

There are themes and variations: the birthday motif is a significant one. There is the stunning contrast of beginning and end, with the Star Child as massive as Sun and Earth.

There is a brilliant transition of a million years: an ape man tosses a huge bone, man's first tool--and weapon--into the air jubilantly as the next shot shows a rocket rising from earth.

This film shows clearly that Stanley Kubrick has become a major American artist.

Wolf

"Hour of the Wolf" is the newest creation of Swedish genius Ingmar Bergman.

On a desolate island a painter (Max von Sydow) and his quiet young wife (Liv Ullman) confront the figures of his nightmares. Among this macabre dolce vita crowd is the Bird Man, who also is a puppet master moving tiny figures to the music of Mozart's "Magic Flute," asking:; "When will my eyes the light see? Soon ...soon or never."

The apparitions are philistines who jeer at art, but the painter himself declares its "utter unimportance...in the world of man." They jeer as well at the relationship between him and his wife.

Dreams, apparitions, hallucinations, reality are so mixed it is impossible to disentangle them. This is one of Bergman's richest works, but it gives no answers, only questions.

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By Creighton H. Churchill

Tarzan never had it so good

As the Haight collapsed into speed freaks and mal-nourished teeny boppers, the Diggers' Free Store on the corner of Cole and Carl Streets closed and remained vacant, a sad monument to dead flowers. But no longer. Now Gibbon monkeys swing in the windows, birds, kittens, exotic fish, and ant eaters cavort in large pens. The former palace of the kingdom of Digger has been transformed into the North American Pet Co., a friendly and superb pet shop.

Diana Anderson, golden-haired and beautiful, is the youthful founder and proprietress, and explains her history as she feeds chipmunks and mice: "I'm a graduate of S.F. State in Russian literature, but grew up on a farm and have had lots of different kinds of pets. I really love animals. When I inherited some money from an aunt, I decided to open a pet shop.

The N.A. Pet Co. has constant swarms of neighborhood children marveling at animals seen before only in books. Noses pressed to windowglass and cage screens, they watch George and Blondie, two four-year-old golden Gibbon monkeys, swing around or laugh at squirrels and hamsters jogging inside wire wheels. In the three months the shop has been open, it has sold a dozen monkeys (the more exotic for hundreds of dollars), three ant-eaters (at $80 apiece) and innumerable birds, fish, mice, kittens and hamsters.

In the future, Diana will stock a hardbound reference library to supplement the pet-care paperbacks now on sale there; and lots of indoor plants "for a real jungle effect." But she'll never carry rhinestone dog collars because, smiles Diana, "I don't sell jewelry, just sleek, happy animals, who sometimes eat better than I do."

For those who fret a lot

Jimmy Stewart is the complete guitarist. His card reads "teacher of all fretted instruments" and means just that. During this summer he has appeared in several clubs in the area, like the Trident and Basin Street. His original introduction to Bay Area jazzophiles was with Gabor Szabo. Jimmy played counterpoint and dialogue classical guitar to Gabor's electric picking. He currently is at the Trident with Szabo creating a superb evening of music.

Jimmy is a quiet, rather scholarly, pleasant person who lives in music. He is almost motherly proud of his new classical guitar, an acquisition from Laurendo Almeida, which sounds and feels, even to the untutored, to be as different from the standard guitar as Raquel Welch is from Twiggy.

Stewart recently completed a book on the Wes Montgomery guitar method and style which, because of Montgomery's untimely death, is the definitive study. Since Montgomery could neither read nor write music, Jimmy spent months listening to tapes and to Wes in person, transcribing and analyzing the phrasing. His book is classic tribute to the unique Montgomery sound.

When the audience threw Kibbles

The American Kennel Club opened a new chapter in North Beach at the "On Broadway/Alcazar" theater, an establishment with the longest run of championship dogs in recent memory. Latest was "Scuba Duba," a clumsy and strained interracial farce by Bruce Friedman which, understandably, was a hit in New York. In San Francisco it closed after one week. The true pity is the waste of a beautiful theater in a strategic location. Filled with red plush and turn of the century elegance, the "On Broadway" deserves a play that doesn't force the audience to squirm the velvet pile off the seat cushions.

One hopeful note in local theater is the opening, twelfth of September, of Harold Pinter's "The Homecoming" at the Encore theater off Geary. Presented by the newly professional "Playhouse" actors (a group formerly located on Hyde across from the Buena Vista), the play is a biting and powerful Albeeish view of male-female-group conflicts, and fits well the small, intimate Encore.

Doing the Attic, Hey

"Of moments, memories, objects and art" is the subtitle on the sign of "These Are A Few Of My Favorite Things," a fey shop in an old Victorian on 2028 Divisadero, near Sacramento. Run by former actress Karen Thomas, "Few..." is a custom fashion house, art gallery, antique shop and creative-camp display. A browser's orgy. With her partner, Charles Scott, and poet-photographer Nicole Nicholson, Karen conjured a hybred of a mad, pack-rat New England Aunt's attic and a hip art gallery--able to furnish your apartment as well as your mind and body. Their fame grows. When Mary Martin's show was in town, she and her whole troupe visited and bought everything that wasn't nailed down. Currently in the art gallery section are the cartoon illustrations of biting whimsy by Mick Stevens.

A Lion's Share of Gatsby's samba

Down the block from the Sausalito Police Station are two other entertainment centers, "Gatsby's," with wood panels, hard liquor and wall to wall secretaries plus some houseboaters, and "The Lion's Share," a Berkeleyish beer-wine-rock-folk club with a stage. At Gatsby's is Al Jarreau, one of the best English-language singers of Brazilian "Bossa Nova" cool samba. Accompanied by Julio Martinez on guitar, Jarreau is smooth, melodic and impressive. "Lion..." charges at the door, unlike Gatsby's, but provides some worthwhile shows, particularly the "Marvin Gardens," a city-hip, funk-folk 1984 jug band of calibre musicianship, featuring a powerful, electric earth-mother singer. Weekends are crowded.

Huey Newton

—*continued from page 9*

about guns, this means he will go out and shoot a policeman. This, says Garry, makes Newton's ideas very relevant.

The judge raises his eyebrows.

And that makes Newton's language very relevant, Garry continues. But no one on the jury understands Newton's language--except possibly the one black man on the jury, David B. Harper. (And Harper, a young banker, is obviously a middle-class Negro, not a man from the ghetto.)

Jensen replies: This sociologist can't testify as to Newton's frame of mind, and that is all that is relevant here.

And Garry: We're not talking about Huey Newton's "frame of mind," we are talking about LANGUAGE. We are talking about the gap in communication between ghetto and white middle-class.

The judge permits Prof. Blake to testify.

All in context

Blake is a stocky, excitable man with a full beard and a full academic vocabulary. He gets into what "signifyin'" means. Everything, he cautions, must be considered in the ghetto context:

Say some black men are standing on a corner. (Black men in West Oakland have a lot of time to stand on the corner since 25% of them are unemployed.) Say a pretty girl comes down the street. She's looking good. The men think she rates a compliment.

But they don't whistle or anything like that. They go about it subtly. They talk about how beautiful the weather is today, as she moves by them. She gets the message. She smiles.

Obviously, Blake says, the men aren't talking about the weather at all. You have to understand the context, he says. Or you never get the message.

WHITE BLUES

I need a thousand dollars a year for whiskey,
and the world ain't gonna last that long.

To the Negro conception of soul food I oppose
Napoleon's army moving on veal scallopini,
backwards, like a million worms.

What I'm counting on is that I'll lose my senses.
There is nothing to remember
about falling asleep.

--George Stanley

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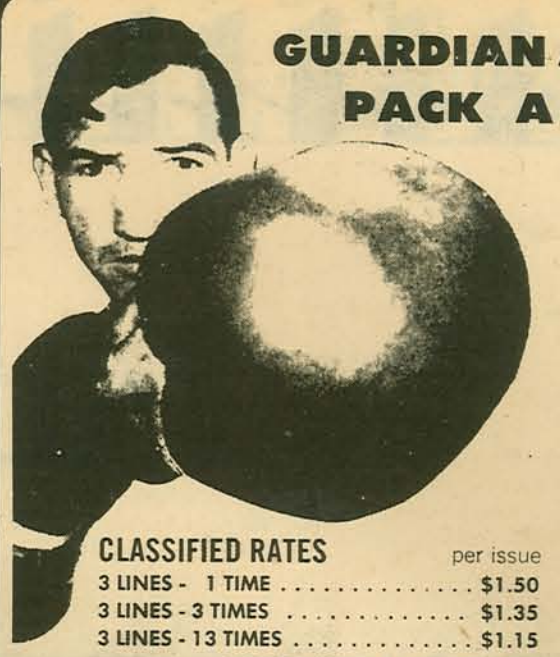
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Bart costs

◆ —continued from page 3

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Again, there are many variables. A nine-county BART system could cost less than the $10 billion system proposed for the tri-state area, but it could cost more. BART's eventual cost could be $20 billion. Nobody really knows.

The main point is that the repeated reference to BART as a $1 billion system is nonsense. It would make much more sense to refer to it as a $12 billion system, to be honest with the public about what really is contemplated.

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